

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F105088

TERESA JOHNSON,  
EMPLOYEE

CLAIMANT

SOUTHERN STEEL & WIRE,  
EMPLOYER

RESPONDENT

ATLANTIC MUTUAL INSURANCE COMPANY,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED JANUARY 14, 2004

Upon review before the FULL COMMISSION in Little Rock,  
Pulaski County, Arkansas.

Claimant represented by HONORABLE GARY UDOUJ, Attorney at  
Law, Fort Smith, Arkansas.

Respondents represented by HONORABLE DAVID WALL, Attorney at  
Law, Fayetteville, Arkansas.

Decision of the Administrative Law Judge: Affirmed and  
adopted.

OPINION AND ORDER

The claimant appeals from a decision of the  
Administrative Law Judge filed September 23, 2003. The  
Administrative Law Judge entered the following findings of  
fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission  
has jurisdiction of this claim.
2. On October 25, 2000, the relationship of  
employee-employer-carrier existed between the  
parties.

3. On October 25, 2000, the claimant earned an average weekly wage of \$315.00, which would entitle her to weekly compensation benefits of \$210.00 for total disability and \$158.00 for permanent partial disability.
4. On October 25, 2000, the claimant sustained a compensable injury to her left hand and wrist.
5. The claimant has failed to prove by the greater weight of the credible evidence that she also sustained a compensable injury to her left shoulder on October 25, 2000. Specifically, she has failed to establish by medical evidence, supported by objective findings, the actual existence of any physical injury to her left shoulder, as required by Ark. Code Ann. § 11-9-102(4)(D). She has further failed to prove that on October 25, 2000, she sustained any physical injury to her left shoulder that arose out of and occurred in the course of her employment, that was caused by a specific incident, that is identifiable by time and place of occurrence, that resulted in internal or external physical harm to the body, and that required medical services or resulted in disability, as required by Ark. Code Ann. § 11-9-102(4)(A)(i).
6. The claimant would not be entitled to any benefits under the Act for any left shoulder difficulties, including medical services.
7. The claimant has failed to prove by the greater weight of the credible evidence that she has received or had recommended any reasonably necessary medical services for her compensable left hand and wrist injury on and after November 27, 2002. There is no dispute over the payment of any expenses incurred for medical services for the claimant's compensable injury prior to November 27, 2002.

8. The issue of the claimant's entitlement to temporary total disability benefits for her compensable left hand and wrist injury is not before the Commission at the present time.
9. The claimant's healing period from the effects of her compensable left hand and wrist injury ended on April 17, 2002.
10. The respondents have accepted liability for and have paid permanent partial disability benefits equivalent to a permanent physical impairment of 34% to the arm below the elbow.
11. The claimant has failed to prove by the greater weight of the credible evidence that she is entitled to any benefits under the provisions of Ark. Code Ann. § 11-9-505(a). Specifically, she has failed to prove that the respondent's refusal to provide her with continued suitable employment after October 17, 2002, was without "reasonable cause."
12. The respondents have denied the occurrence of any compensable injury to the claimant's left shoulder and have controverted her entitlement to any benefits attributable to this alleged injury. The respondents have also controverted the claimant's entitlement to any benefits under Ark. Code Ann. § 11-9-505(a).

We have carefully conducted a de novo review of the entire record herein, and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings of fact

made by the Administrative Law Judge are correct, and they are, therefore, adopted by the Full Commission.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.