

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F304767

KRIS MATTHEWS, EMPLOYEE	CLAIMANT
FRENCHS HEAT & AIR, INC., EMPLOYER	RESPONDENT
AIG CLAIM SERVICES, INSURANCE CARRIER	RESPONDENT

OPINION FILED JULY 9, 2004

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

Claimant represented by HONORABLE JAY TOLLEY, Attorney at Law, Fayetteville, Arkansas.

Respondent represented by HONORABLE R. SCOTT MORGAN, Attorney at Law, Pine Bluff, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals from a decision of the Administrative Law Judge filed December 15, 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 all pertinent dates, the relationship of employee-employer-carrier existed between the parties.
3. The claimant sustained compensable injures to his neck and back on April 12, 2003.

4. The claimant is entitled to a compensation rate of \$267.00 temporary total disability.
5. Some TTD, and medical has been paid.
6. The claimant has failed to prove by a preponderance of the evidence that he is entitled to additional temporary total disability from June 2, 2003, to a date to be determined. The claimant was released by his treating physician to return to full duty work with no restrictions on June 2, 2003, with no additional medical treatment recommended. Subsequent to that date the claimant testified that no physician has ever taken him off work as a result of his back complaints.
7. I further find that the claimant is not entitled to additional medical treatment subsequent to June 2, 2003. Dr. Moon, the claimant's treating physician released him on June 2, 2003, with no recommendation of further medical treatment. It is also noted that the claimant's MRIs and other tests performed by Dr. Moon did not reveal or establish a basis for his claimant's ongoing claimants of pain.

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.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.