

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E309628

SANDRA PEACOCK,
EMPLOYEE

CLAIMANT

LOMAS FINANCIAL CORPORATION,
EMPLOYER

RESPONDENT

AETNA CASUALTY AND SURETY COMPANY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED MARCH 3, 2004

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

Claimant appeared PRO SE.

Respondents represented by HONORABLE BETTY J. DEMORY,
Attorney at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and
adopted.

OPINION AND ORDER

The respondents appeal from a decision of the
Administrative Law Judge filed August 6, 2003. The
Administrative Law Judge entered the following findings of
fact and conclusions of law:

1. The claimant does not meet her burden of
proving by a preponderance of the evidence of
record that respondents are liable for
approximately three weeks of unpaid temporary
total disability or permanent partial
disability benefits in the amount of \$756.88.
2. The claimant has demonstrated by a
preponderance of the evidence of record that
she is entitled to reimbursement for unpaid

medical benefits going back to January of 1995. The claimant has also demonstrated by a preponderance of the evidence that she is entitled to be reimbursed for mileage for trips made to various medical providers. The amount of reimbursement for unpaid medical bills and mileage is documented in the claimant's exhibit introduced at the hearing of June 5, 2003.

3. The claimant has demonstrated by a preponderance of the evidence of record that her treatment with Dr. Harold Chakales commencing in August of 2001 is an authorized referral made by an approved physician in the authorized chain of treating physicians, and that Dr. Chakales' treatment since August of 2001 constitutes related, reasonable, and necessary treatment to the claimant as it relates to her compensable injury of May 25, 1993.
4. The claimant does not show by a preponderance of the evidence that she has been rendered permanently and totally disabled as a result of her compensable injury of May 25, 1993. The issue of permanent and total disability is not ripe for decision.

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. All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of the Administrative Law Judge's decision in accordance with Ark. Code Ann. § 11-9-809 (Repl. 2002).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.

DISSENTING OPINION

I must respectively dissent from the majority's finding that the claimant is entitled to additional medical treatment. In my opinion the claimant has failed to meet her burden of proof.

After her May 25, 1993, admittedly compensable injury the claimant was treated by her family physician and a chiropractor. She was referred to Dr. Steven Cathey who had the claimant undergo an MRI, myelogram and bone scan all which indicated a bulging disc at L2-L3 and degenerative

disc disease. The claimant began treating with Dr. Edward Saer in August of 1993 and underwent a lumber fusion at the L2-L3 level. The claimant has subsequently been evaluated by Drs. Rutherford, Collins, Williams, Schlesinger and Bowen. The claimant has undergone numerous diagnostic tests including MRI's and EMG/NVC's which have all yielded normal results except for the L2-L3 problem. Simply put, there is not objective basis for her complaints of pain and for additional surgery.

KAREN H. MCKINNEY, Commissioner