

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F214099

FRANCES D. CROWDER, EMPLOYEE	CLAIMANT
RANDY'S SNAX SALES, EMPLOYER	RESPONDENT
CINCINNATI INDEMNITY COMPANY, CARRIER	RESPONDENT

**OPINION FILED AUGUST 18, 2005**

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

Claimant represented by HONORABLE KENNETH A. OLSEN, Attorney at Law, Little Rock, Arkansas.

Respondent represented by HONORABLE WILLIAM C. FRYE, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

The claimant appeals from a decision of the Administrative Law Judge filed October 13, 2004.

The Administrative Law Judge entered the following findings of fact and conclusions of law:

1. The stipulations agreed upon are reasonable and are approved.
2. The relationship of employee-employer-carrier existed on November 22, 2002, the date upon which Claimant sustained a compensable injury.
3. Claimant was paid temporary total disability benefits from December 6

through December 29, 2002, and medical benefits were paid through August 4, 2003.

4. Those temporary total disability benefits paid to Claimant from December 6 through December 29, 2002, were paid at a rate of \$118.00 per week.

5. The Commission entered a change of physician order on March 27, 2003, concerning a change of physician from Dr. Terry Brown to Dr. Terry Green. Respondents complied and paid Dr. Green's bill.

6. Claimant did not sustain her burden of proving by a preponderance of the evidence that she is entitled to reasonably necessary medical treatment from Dr. Mocek in connection with her injury. I find that the evidence of greater convincing force does not causally link Claimant's November 22, 2002 compensable injury to the treatment she received following Dr. Terry Green's care. Respondents paid for Dr. Green's care. Therefore, further medical treatment by Dr. Mocek is not reasonably necessary in connection with her compensable injury.

7. Claimant did not sustain her burden of proving by a preponderance of the evidence that she is entitled to additional temporary total disability benefits. She was offered light duty work within her restrictions; therefore, she did not suffer a total incapacity to earn wages after December 29, 2002.

8. The issue of Claimant's average weekly wage is not ripe for determination.

9. Because Claimant is not awarded benefits herein, she is not entitled to an award of attorney's fees.

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.