

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F310847

BERNICE ANDERSON,
EMPLOYEE

CLAIMANT

DIVERSICARE LEASING CORPORATION,
EMPLOYER

RESPONDENT

WAUSAU INSURANCE COMPANY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED MARCH 22, 2005

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

Claimant represented by HONORABLE STEVEN McNEELY, Attorney
at Law, Little Rock, Arkansas.

Respondents represented by HONORABLE MICHAEL E. RYBURN,
Attorney at Law, Little Rock, 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 April 21, 2004. The
Administrative Law Judge entered the following findings of
fact and conclusions of law:

1. The Workers' Compensation Commission has jurisdiction of this claim in which the relationship of employee-employer-carrier existed among the parties on March 27, 2003 at which time the claimant sustained a compensable aggravation of a preexisting degenerative lumbar condition at a compensation rate of \$206.00/\$155.00.

2. The respondents paid medical expenses until April 4, 2003 for pain management. The claimant has seen physicians at the Winston Clinic, Dr. Safman and Dr. Cathey. She has been released with no permanent impairment.
3. The claimant obtained a change of physician to Dr. Collins but the respondents have controverted any further treatment from him. The scope of recommended treatment has changed and expanded under Dr. Collins and the claimant has failed to prove that Dr. Collins' treatment is reasonably necessary for her compensable injury.
4. The claimant has failed to prove entitlement to temporary total disability benefits as she is capable of working and voluntarily left the respondent's employ when they were providing her light duty. According to Dr. Cathey, whose opinion has been given great evidentiary weight, there is nothing medical that can be done to improve her condition and her healing period has ended.

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

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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.