

Hamilton - E603975

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E603975

HENRY HAMILTON, EMPLOYEE	CLAIMANT
GREGORY TRUCKING, EMPLOYER	RESPONDENT
HOUSTON GENERAL INSURANCE, INSURANCE CARRIER	RESPONDENT

ORDER FILED APRIL 20, 2005

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

Claimant represented by HONORABLE EDDIE WALKER, JR., Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE DIANE GRAHAM, Attorney at Law, Fort Smith, Arkansas.

ORDER

The above-styled matter is back before the Full Commission upon remand from the Arkansas Court of Appeals. Hamilton v. Gregory Trucking, CA04-861 (Ark. App. March 16, 2005).

In an opinion dated October 6, 2003, an administrative law judge found, "The claimant has failed to prove by the greater weight of the credible evidence that any of the outstanding medical expenses for medication in the form of Oxycontin, Roxicodone, Oxyir, Cloraz Dipot, Metodopramide,

and Axid constitute expenses incurred for reasonably necessary medical services, as that term is used in the act. Therefore, the respondents are not liable for any outstanding expenses incurred for these medications." Subsequently, the Full Commission affirmed and adopted the administrative law judge's decision. The claimant appealed the Full Commission's decision to the Arkansas Court of Appeals.

The Court of Appeals found that "fair-minded persons, if presented with the evidence before the Commission, could not have reached the conclusion that the medications prescribed by Hamilton's authorized treating physician and subsequently re-prescribed by other physicians were not reasonable and necessary. Thus, the Commission's decision displays no substantial basis for denying payment of expenses incurred for these prescribed medications over the time period at issue." As such, the Arkansas Court of Appeals reversed and remanded this case to the Full Commission for determination of the appropriate award of benefits for payment of expenses incurred for prescribed medications relating to Hamilton's compensable injury.

Therefore, in accordance with the mandate from the Court of Appeals, the Full Commission finds that Hamilton

has proven by the greater weight of the credible evidence that the outstanding medical expenses for medication in the form of Oxycontin, Roxicodone, Oxyir, Cloraz Dipot, Metodopramide, and Axid constitute reasonably necessary medical services, in connection with his compensable injury. Accordingly, we further find that the respondents are liable for any outstanding expenses incurred for these medications.

For prevailing on this appeal before the Full Commission, claimant's attorney is hereby awarded an additional attorney's fee in the amount of \$250.00 in accordance with Ark. Code Ann. § 11-9-715.

IT IS SO ORDERED.

---

OLAN W. REEVES, Chairman

---

SHELBY W. TURNER, Commissioner

---

KAREN H. MCKINNEY, Commissioner