NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F210349

CHRISTINA HEDRICK, EMPLOYEE	CLAIMANT
MICRO PLASTICS, INC., EMPLOYER	RESPONDENT
TRAVELERS INSURANCE, INSURANCE CARRIER	RESPONDENT

OPINION FILED MARCH 1, 2005

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

Claimant represented by HONORABLE MARK CARNEY, Attorney at Law, Mountain Home, Arkansas.

Respondents represented by HONORABLE ROBERT MONTGOMERY, 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 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 the within claim.

2. The respondents did not timely raise a notice defense pursuant to Ark. Code Ann. § 11-9-701.

3. The claimant failed to establish by a preponderance of the credible evidence that her bilateral carpal tunnel syndrome arose out of and in the course of her employment.

4. The claimant has failed to establish by a preponderance of the credible evidence that she sustained a compensable carpal tunnel syndrome.

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.

DISSENTING OPINION

The Majority has found that the Claimant did not meet her burden of establishing that she suffered a compensable carpal tunnel injury as the result of her job related activities. From that decision, I respectfully dissent.

The Respondent is the manufacturer of small, plastic wing nuts, hex nuts, and nut caps which they sell to a variety of manufacturers. The Claimant became employed with them in July 1999 and remained in their employ through May 2002.

At the hearing, the Claimant extensively discussed her job duties. Her description was of a hand-intensive job requiring her to manually inspect innumerable small plastic parts and remove excess plastic from them. This activity required her to frequently grip, twist, and trim small parts and to frequently lift and hold bins or trays containing large numbers of the parts. The Administrative Law Judge, whose findings the Majority is adopting, specifically stated that the Claimant was a credible witness and that her testimony established that her job was not only hand-

intensive but that she did not engage in any non-work activities requiring such extensive use of her hands. Nonetheless, the Judge found that the Claimant did not meet her burden of establishing a compensable injury.

In reaching that conclusion, the Judge stated the following rationale:

> "Complicating matters further, I note that the claimant is diabetic and overweight, both of which I understand to be risk factors for carpal tunnel syndrome. In light of the medical evidence establishing the claimant's weight and her diabetic condition, the fact that the claimant initially turned her bill into group insurance, and the lack of any expert medical opinion in the record addressing the degree, if any, that the claimant's job duties caused her carpal tunnel syndrome, I find that it would require speculation and conjecture on my part in order to find that the claimant proved by a preponderance of the credible evidence

that her carpal tunnel syndrome arose out of her employment."

I find that the Administrative Law Judge's conclusion, which was adopted by the Majority as their findings, is inconsistent with the facts. Considering that the Claimant spent three years performing rigorous hand-intensive work and not the fact that she is in a high risk category for developing carpal tunnel syndrome, suggests to me that it is more likely that her job caused her to develop carpal tunnel syndrome, not less. However, the Majority seems to be concluding that even though she was not otherwise engaged in the type of activities which would cause carpal tunnel syndrome, her job related activities were not a factor in her developing that condition.

The Majority is also inconsistent in its treatment of the medical evidence in this case. Even though the Claimant had a variety of health problems, none of her medical records indicate that she had carpal tunnel syndrome prior to her employment with the Respondent. When the Claimant first began to exhibit the symptoms of carpal tunnel syndrome, her doctor, thinking that she was suffering from diabetic neuropathy, began treating her for that condition. However, the Claimant's hand condition continued

to worsen until he diagnosed her with carpal tunnel syndrome and referred her to a specialist for treatment. After receiving carpal tunnel release surgery in both hands, the Claimant reported that her symptoms of pain, tingling, numbness, and loss of grip strength either disappeared or substantially abated.

The Administrative Law Judge noted in his Opinion that a lack of medical opinion as to the causation of the Claimant's carpal tunnel syndrome required resorting to speculation and conjecture to find her claim compensable. However, the decision does exactly that in concluding the Claimant's other health conditions caused her to develop carpal tunnel syndrome, when there is no medical evidence in the record to support that conclusion.

For the reasons set out above, I respectfully dissent from the Majority Opinion.

SHELBY W. TURNER, Commissioner