

**NOT DESIGNATED FOR PUBLICATION**

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. F302996**

<b>DAVID JONES, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>AREA AGENCY ON AGING, EMPLOYER</b>	<b>RESPONDENT</b>
<b>RISK MANAGEMENT RESOURCES, TPA</b>	<b>RESPONDENT</b>

**OPINION FILED MAY 6, 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 CURTIS NEBBEN, Attorney at Law, Fayetteville, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

The claimant appeals from a decision of the Administrative Law Judge filed June 30, 2004.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On March 11, 2003, the relationship of employee-self insured employer-third party administrator existed between the parties.
3. On March 11, 2003, the claimant earned wages sufficient to entitle him to weekly

compensation benefits of \$107.00 for both total disability and permanent partial disability benefits.

4. On March 11, 2003, the claimant sustained a compensable injury to his neck and back.
5. There is no dispute over any benefits accruing through May 23, 2003.
6. The claimant has failed to prove by the greater weight of the credible evidence that he is entitled to the benefits provided by Ark. Code Ann. §11-9-505(a). Specifically, he has failed to prove by the greater weight of the credible evidence that the respondent has had available, after June 23, 2003, an employment position that was within his physical and mental limitations. The claimant has also failed to prove by the greater weight of the credible (*sic*) that the respondent has refused, without reasonable cause, to provide him with any employment position that was available.
7. The claimant has failed to prove by the greater weight of the credible evidence that he is entitled to any additional medical services. Specifically, the claimant has failed to prove by the greater weight of the credible evidence the existence of any medical services that would be reasonably necessary for his compensable injury.
8. The respondent has controverted the claimant's entitlement to any benefits under Ark. Code Ann. §11-9-505(a) and his entitlement to any additional medical services, which were unpaid as of the date of hearing.

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.