

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. D601189 & D614780

EDWARD L. WARREN, EMPLOYEE	CLAIMANT
YOUTH SERVICES CENTER, EMPLOYER	RESPONDENT
PUBLIC EMPLOYEE CLAIMS, CARRIER	RESPONDENT

OPINION FILED MARCH 15, 2005

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

Claimant represented by HONORABLE JAMES W. STANLEY, Attorney at Law, North Little Rock, Arkansas.

Respondent represented by HONORABLE RICHARD S. SMITH, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

On July 30, 2004, the claimant filed a Notice of Appeal from a decision of the Administrative Law Judge filed July 20, 2004. While the claim was pending on appeal, the claimant filed a Motion to Remand proceedings to the Administrative Law Judge to consider new evidence.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction over these claims.

2. The stipulations agreed to by the parties are hereby accepted as fact.
3. These claims are barred by the doctrine of *res judicata*.
4. The claimant has failed to prove that there has been a change in his physical or mental condition since the prior Opinion and Award filed March 30, 1995. Even if the claimant has shown a change in his condition, which is not conceded herein, a modification of the prior Award is not warranted pursuant to A.C.A. §11-9-713.
5. Respondents have controverted claimant's entitlement to additional permanent disability benefits.
6. Issues not addressed herein are specifically reserved.

The claimant has moved to remand this claim for the consideration of additional evidence concerning an impairment rating to the claimant's cervical spine. Respondents have filed a response objecting to any remand. After consideration of claimant's motion, respondents' response thereto, and all other matters properly before the Commission, we find that the claimant's motion must be denied. Ark. Code Ann. §11-9-713; Haygood v. Belcher, 5 Ark. App. 127, 633 S.W.2d 391 (1982).

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.