

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F210805

JOHN C. DOWNS,
EMPLOYEE

CLAIMANT

GDX AUTOMOTIVE,
EMPLOYER

RESPONDENT

PACIFIC EMPLOYERS INSURANCE,
INSURANCE CARRIER

RESPONDENT

OPINION FILED APRIL 11, 2006

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

Claimant represented by the HONORABLE FREDERICK SPENCER,
Attorney at Law, Mountain Home, Arkansas.

Respondents represented by the HONORABLE BILL H.
WALMSLEY, Attorney at Law, Batesville, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the
Administrative Law Judge filed September 26, 2005. In
said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. The stipulations agreed upon by the
parties are reasonable and are approved.

2. The employee-employer-carrier relationship existed on May 13, 2002 and at all other relevant times.

3. Claimant sustained a compensable left wrist injury on May 13, 2002.

4. Claimant was granted a one-time change of physician on March 17, 2004 from Dr. Dennis Davidson to Dr. Clifford Boswell.

5. Claimant did not sustain his burden of proving by a preponderance of the evidence that Dr. Boswell's March 16, 2004 note makes a referral to Dr. Allen for additional medical treatment. Dr. Boswell's March 16, 2004 note seeks a second opinion from Dr. Allen in the context of Claimant's disability rating, which is not a responsibility of Respondents under Ark. Code Ann. § 11-9-508(a).

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.

Therefore we affirm and adopt the September 26, 2005 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.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.