

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F401766

KELLY HONEYSUCKLE, EMPLOYEE	CLAIMANT
CITY OF FAYETTEVILLE, EMPLOYER	RESPONDENT
MUNICIPAL LEAGUE WC TRUST, CARRIER	RESPONDENT

**OPINION FILED JANUARY 24, 2006**

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

Claimant represented by HONORABLE EVELYN BROOKS, Attorney at Law, Fayetteville, Arkansas.

Respondent represented by HONORABLE J. CHRIS BRADLEY and HONORABLE KEITH WREN, Attorneys at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

The claimant appeals from a decision of the Administrative Law Judge filed April 21, 2005.

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 all relevant dates, the relationship of employee-self insured

employer-third party administrator existed between the parties.

3. The claimant sustained a compensable injury to his right elbow, in the form of lateral epicondylitis.

4. The claimant has failed to prove that any difficulties which he has allegedly experienced with his left shoulder represent a compensable consequence of his compensable right elbow injury. Specifically, he has failed to prove by medical evidence, supported by objective findings, the actual existence of any physical injury or damage to his left shoulder and has further failed to prove that these alleged difficulties would be the natural and probable consequence of the compensable injury to his right elbow.

5. The claimant would not be entitled to any benefits provided by the Act for the alleged difficulties involving his left shoulder.

6. The medical services provided the claimant by Dr. Terry Sites for his continued right elbow difficulties, on and after October 21, 2004, represent reasonably necessary medical services for the claimant's compensable right elbow injury. Pursuant to Ark. Code Ann. §11-9-508, the expense of these services are the liability of the respondents herein, subject to the medical fee schedule established by this Commission.

7. The respondents have denied that any

alleged difficulties with the claimant's left shoulder represent a compensable consequence of his admittedly compensable right elbow injury and controvert the claimant's entitlement to any benefits attributable to these difficulties. The respondents also controvert the claimant's entitlement to any additional medical services by and at the direction of Dr. Sites after May 12, 2004.

8. As no controverted benefits have been awarded which are payable directly to the claimant, no controverted attorney's fee can be awarded at this time.

The claimant alleges that he sustained a compensable injury to his left shoulder that is governed by the Arkansas Workers' Compensation Act, A.C.A. § 11-9-101 et seq. The claimant's alleged injury is, indeed, an injury that is covered by the Act; however, the claimant has failed to establish the elements necessary to prove a compensable injury by a preponderance of the evidence.

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.