

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F402332

JUDITH A. PAPINCHACK,
EMPLOYEE

CLAIMANT

HOLIDAY INN EXPRESS,
EMPLOYER

RESPONDENT

WAUSAU,
INSURANCE CARRIER

RESPONDENT

OPINION FILED APRIL 13, 2006

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

Claimant represented by the HONORABLE M. KEITH WREN,
Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE MICHAEL E.
RYBURN, Attorney at Law, Little Rock, 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 19, 2005. In
said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. There was a compensable injury on
February 23, 2004.
2. The compensation rates are \$226/170.
3. Respondents paid temporary total disability
benefits through March 22, 2004.
4. Respondents paid temporary partial disability
benefits from March 23, 2004, through May 7,

2004.

5. The claimant's average weekly wage is \$339.

6. The claimant has proven by a preponderance of the evidence that she is entitled to temporary partial disability benefits from May 7, 2004, through November 3, 2004, when she only worked part-time.

7. The claimant has failed to prove by a preponderance of the evidence that she remained in her healing period and was totally unable to earn wages from November 4, 2004, and thereafter.

8. The claimant has proven by a preponderance of the evidence that the two prescription drugs requested are reasonable and necessary.

9. The claimant has failed to prove by a preponderance of the evidence that the psychological evaluation is reasonable and necessary and related to her compensable injury.

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 19, 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 concurs in part and dissents in part.

CONCURRING AND DISSENTING OPINION

I concur with the Majority's decision to award the claimant temporary partial disability benefits from May 7, 2004 to November 3, 2004. I also concur with the finding that the claimant is entitled to receive medical treatment in the form of prescriptions. However, I will respectfully dissent without opinion as to the portion of the decision denying the claimant temporary total disability benefits subsequent to November 4, 2004.

SHELBY W. TURNER, Commissioner