

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F401017

BRANDY WIGGINS,
EMPLOYEE

CLAIMANT

JOHNSON REGIONAL MEDICAL CENTER,
EMPLOYER

RESPONDENT

RISK MANAGEMENT SERVICES,
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED JULY 24, 2006

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

Claimant represented by the HONORABLE LAURA MCKINNON,
Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE GUY WADE,
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 February 22, 2006. In
said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation
Commission has jurisdiction of this claim.

2. On November 17, 2003, the relationship of employee-employer-third party administrator existed between the parties.

3. On November 17, 2003, the claimant earned wages sufficient to entitle her to weekly compensation benefits of \$231.00 for total disability and \$173.00 for permanent partial disability.

4. On November 17, 2003, the claimant sustained a compensable injury to her low back/hip.

5. There is no dispute over the payment of medical expenses incurred through August 9, 2004, or the initial evaluation by Dr. Dunham (pursuant to the change of physicians approved by this Commission).

6. The claimant has failed to prove that the additional medical services provided her by and upon referral of Dr. John Dunham, except for her initial evaluation by Dr. Dunham upon the granting of a change of physicians by this Commission, represent "reasonably necessary medical expenses" for her compensable injury of November 17, 2003. Specifically, she has failed to prove that these medical services had or have a reasonable expectation of accomplishing any purpose or goal that is related to or connected with her compensable injury.

7. There is no dispute over temporary total disability benefits accruing through August 9, 2004.

8. The claimant has failed to prove that she is entitled to additional temporary total disability benefits for the period of October 11, 2004 through August 3, 2005. Specifically, she has failed to prove by the greater weight of the credible evidence that she continued within her healing period from

the effects of her compensable injury during (sic) time.

9. The claimant has failed to prove that the provisions of Ark. Code Ann. § 11-9-505(a) are applicable to the present claim. Specifically, the claimant has failed to prove that the respondent refused, without reasonable cause, to return her to work at a suitable available employment, at any time after October 11, 2004.

10. The respondents have controverted the claimant's entitlement to the payment of any medical services provided her by and at the direction of Dr. John Dunham, with the exception of his additional evaluation following the ordered change of physicians, the payment of additional temporary total disability benefits for the period of October 11, 2004 through August 3, 2005, and the payment of any benefits under Ark. Code Ann. § 11-9-505(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 February 22, 2006 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.