

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F605954

LARRY HANDLEY, EMPLOYEE	CLAIMANT
TODAY'S OFFICE NORTHWEST ARKANSAS, EMPLOYER	RESPONDENT
COMMERCE & INDUSTRY, CARRIER	RESPONDENT

**OPINION FILED OCTOBER 17, 2007**

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

Claimant represented by HONORABLE MARK FREEMAN, Attorney at Law, Fayetteville, Arkansas.

Respondent represented by HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

The respondents appeal from a decision of the Administrative Law Judge filed June 11, 2007.

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 July 3, 2002, the relationship of employee-employer-carrier existed between the parties.

3. On July 3, 2002, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$425.00 for total disability and \$319.00 for permanent partial disability.

4. On July 3, 2002, the claimant sustained a compensable injury to his cervical spine, in the form of a herniated disc at C5-6.

5. There is absolutely no evidence of any independent intervening cause of the claimant's subsequent cervical difficulties that are sufficient to relieve the respondents herein from liability for benefits attributable to such difficulties.

6. There is no dispute over the payment of medical expenses incurred for the claimant's compensable cervical injury through April 18, 2006.

7. The medical services recommended to the claimant by Dr. Bradley Short, on April 4, 2006, the medical services provided to the claimant by and at the direction of the free medical clinic of Washington County, and by and at the direction of the physicians at the University of Arkansas School for Medical Services (neurosurgical section), and continued follow up services by Dr. Short all represent "reasonably necessary medical services" for the claimant's compensable injury, under Ark. Code Ann. §11-9-518. Specifically, the greater weight of the evidence presented shows that these

medical services were necessitated by or connected with the claimant's compensable injury, are medically appropriate, and have a reasonable expectation of accomplishing the purpose or goal for which they were intended. Pursuant to the provisions of Ark. Code Ann. §11-9-518, the respondents are liable for the expense of these services, subject to the medical fee schedule established by this Commission.

8. There is no dispute over the claimant's entitlement to temporary total disability benefits prior to April 4, 2006, and all such appropriate benefits accruing through that date have been paid.

9. The claimant was once again rendered temporarily totally disabled as a result of the effects of his compensable cervical injury beginning April 4, 2006, and continuing through a date yet to be determined. Specifically, the greater weight of the medical evidence establishes that the claimant had re-entered his healing period from the effects of his compensable cervical injury by April 4, 2006, and was also rendered totally disabled from performing all forms of regular gainful employment by this compensable injury beginning on that date and continuing through a date yet to be determined.

10. The respondents have controverted the claimant's entitlement to any medical services after April 18, 2006,

and any temporary total disability benefits on and after April 4, 2006.

11. A reasonable fee for the claimant's attorney is the maximum statutory attorney's fee on the controverted temporary total disability benefits herein awarded.

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.

All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of the Administrative Law Judge's

decision in accordance with Ark. Code Ann. § 11-9-809 (Repl. 2002). For prevailing on this appeal before the Full Commission, claimant's attorney is hereby awarded an additional attorney's fee in the amount of \$500.00 in accordance with Ark. Code Ann. § 11-9-715(b) (2) (Repl. 2002).

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.