

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F309925

JAMES MITCHELL, JR., EMPLOYEE	CLAIMANT
GUARDIAN BUILDING SUPPLY, EMPLOYER	RESPONDENT
ROYAL INDEMNITY INSURANCE CO., CARRIER	RESPONDENT

**OPINION FILED SEPTEMBER 27, 2007**

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 RANDY P. MURPHY, 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 April 3, 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 8, 2003, the relationship of employee-employer-carrier existed between the parties.

3. On July 8, 2003, the claimant sustained a compensable injury to his lower back in the area of the L5-S1 intervertebral disc.

4. There is no dispute, at present, over the payment of accrued medical expenses.

5. The additional medical services that have been recommended by Dr. Rodney Routsong, in his report of May 2, 2006, from management of the claimant's chronic symptoms and complaints resulting from his compensable injury represent "reasonably necessary medical services", within the meaning of Ark. Code Ann. §11-9-508. The evidence presented shows such services to be necessitated by or connected with the claimant's compensable injury of July 8, 2003, and further show such services have a reasonable expectation of accomplishing the purpose or goal for which they were intended. Pursuant to the provisions of Ark. Code Ann. §11-9-508, the respondents are liable for the expense of these services, subject to the medical fee schedule established by this Commission.

6. The respondents have controverted the claimant's entitlement to the continued medical services recommended by Dr. Routsong.

7. As no controverted benefits have been herein awarded to the claimant, no controverted attorney's fee can be awarded to the claimant's attorney.

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).

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IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.