

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F100650

LONNIE RICHARDSON, EMPLOYEE	CLAIMANT
ELDRIDGE TIRE & WHEEL, EMPLOYER	RESPONDENT
ARKANSAS PROPERTY & CASUALTY GUARANTY FUND, CARRIER	RESPONDENT

OPINION FILED JANUARY 18, 2007

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

Claimant represented by HONORABLE KRISTOFER E. RICHARDSON, Attorney at Law, Jonesboro, Arkansas.

Respondent represented by HONORABLE JEREMY SWEARINGEN, 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 August 3, 2006.

The Administrative Law Judge entered the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. The stipulations of the parties are hereby accepted as fact.

3. The claimant has proven, by a preponderance of the evidence, that he is entitled to continued medical treatment in the form of prescription medications and/or pain therapy for his recurrent back pain to be provided by his authorized treating physician, Dr. Moacir Schnapp.

4. A preponderance of the credible evidence reflects that respondents were not justified in terminating all medical treatment on August 14, 2005.

5. The claimant has failed to prove, by a preponderance of the evidence, that his hospitalizations and treatment beginning and after December 31, 2005, were causally related to the December 20, 2000, injury. Rather, a preponderance of the evidence reflects that the claimant's hospitalization and treatment was for a staph infection of undetermined etiology. Further, in view of this finding, the change of physician rules and the unauthorized nature of the treatment is a moot issue because I specifically find that said treatment is not reasonably necessary and related to the admitted, December 20, 2000, 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.

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. 1996).

For prevailing on this appeal before the Full Commission, claimant's attorney is hereby awarded an additional attorney's fee in the amount of \$250.00 to be paid one-half by claimant and one-half by respondent. Ark. Code Ann. § 11-9-715(a)(2)(B) and § 11-9-715(b)(2).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.