

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E214467 & E216882

ROD BRIDGES, EMPLOYEE	CLAIMANT
ALUMAX, EMPLOYER	RESPONDENT
CNA INSURANCE, CARRIER	RESPONDENT

OPINION FILED SEPTEMBER 25, 2008

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

Claimant not represented by counsel, but appears *pro se*.

Respondent represented by HONORABLE GUY A. WADE ,Attorney at Law, Little Rock, Arkansas.

Intervenor represented by HONORABLE DALE GRADY, Attorney at Law (Retired), Bryant, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The Intervenor appeals from a decision of the Administrative Law Judge filed February 11, 2008.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction over these claims.
2. The stipulations agreed to by the parties are hereby accepted as fact.
3. The issue of additional medical treatment as it relates specifically to the Radio-frequency procedures now recommended by Dr.

Hart have not been placed twice in jeopardy and therefore respondents shall not be assessed any penalties or found in contempt for their controversion other than the appropriate attorney's fees that will attach.

4. The preauthorization process outlined in Rule 30 does not prohibit this administrative law judge from determining whether or not the Radio-frequency procedure is reasonable, necessary, and related to the claimant's compensable injuries. The issue of additional medical treatment in the form of the Radio-frequency procedures and whether or not they are reasonable, necessary, and related to the compensable injuries are ripe to be determined.
5. The claimant has proven, by a preponderance of the evidence, that he is entitled to additional medical treatment recommended by Dr. Thomas Hart in the form of Radio-frequency L2-S1 with post Transforaminal ESI. I find that the Radio-frequency procedures now recommended by Dr. Thomas Hart to be reasonable, necessary, and related to the claimant's stipulated compensable injuries and therefore said treatment is the responsibility of the respondents.
6. Since the medical treatment approved herein related to compensable injuries which occurred prior to 1993, maximum attorney's fees are herein awarded to Attorney Michael Boyd. The claimant is entitled to the maximum attorney's fees that would attach to this additional medical treatment now approved in the form of Radio-frequencies as the law stood in 1992 with regard to attorney's fees on medical treatment. However, the claimant is not entitled to a double maximum attorney's fee with regard to the Radio-frequency procedures now approved.

This order in no way addresses attorney's fees previously earned by Intervenor Dale Grady with regard to these claims and is only intended to address the attorney's fees related specifically to the Radio-frequency procedures now ordered.

7. Any additional issues, if any, are by necessity, specifically reserved.

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.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner