

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E912560

ROY L. KILGORE,
EMPLOYEE

CLAIMANT

C T L DISTRIBUTION, INC.,
EMPLOYER

RESPONDENT

PROTECTIVE INSURANCE COMPANY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED AUGUST 13, 2009

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

Claimant represented by the HONORABLE JIM R. BURTON,
Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE JOSEPH H.
PURVIS, 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 January 13, 2009. 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 over this claim.
2. The stipulations agreed to by the parties are hereby accepted as fact.
3. The claimant has failed to prove, by a preponderance of the credible evidence, that he is entitled to additional temporary total disability benefits beginning on or about November, 2006,

(actually September 13, 2006) and continuing through March 1, 2007, as claimed.

4. The claimant has failed to prove that he is entitled to the additional medical treatment claimed, including, but not limited to claimant's latest surgery on September 13, 2006.

5. The claimant has failed to prove, by a preponderance of the credible evidence, that his physical problems, need for treatment and disability are causally related to the July 18, 1999, admitted injury.

6. In the event that the claimant's most recent surgery was causally related to the July 18, 1999, admitted injury, which is inconsistent with the findings and conclusions herein, respondents would not be responsible for the claimant's medical treatment, including his most recent surgery because of the claimant's medical treatment has been unauthorized medical providers.

7. The claimant has specifically reserved the issue of entitlement to additional permanent partial disability benefits.

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 January 13, 2009 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.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.