

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F705690

VIRGILIO OCHOA,  
EMPLOYEE

CLAIMANT

TYSON FOODS, INC.,  
SELF-INSURED EMPLOYER

RESPONDENT

OPINION FILED SEPTEMBER 29, 2009

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

Claimant represented by the HONORABLE RONALD MCCANN,  
Attorney at Law, Fayetteville, Arkansas.

Respondent represented by the HONORABLE E. DIANE GRAHAM,  
Attorney at Law, Fort Smith, 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 30, 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 of this claim.
2. On May 3, 2007, the relationship of employee-self insured employer-third party administrator existed between the parties.
3. On May 3, 2007, the claimant sustained a compensable injury to his low back.

4. The claimant has failed to prove by the greater weight of the credible evidence that the additional medical services he now seeks were necessitated by or connected with his compensable back injury of May 3, 2007. Thus, such medical services would not represent "reasonably necessary medical services" for his compensable injury of May 3, 2007, under Ark. Code Ann. §11-9-508. Pursuant to the provisions of this subsection, the respondents cannot be held liable for the expense of these services.

5. The respondents have controverted the claimant's entitlement to additional medical services he now seeks.

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 30, 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.

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A. WATSON BELL, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.