

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F809512

JACKIE CANTRELL, EMPLOYEE	CLAIMANT
HIRAM WALKER & SONS, EMPLOYER	RESPONDENT
TRAVELERS INSURANCE COMPANY, CARRIER	RESPONDENT

OPINION FILED JANUARY 13, 2010

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

Claimant represented by the HONORABLE JERED MEDLOCK,  
Attorney at Law, Fort Smith, Arkansas.

Respondent represented by the HONORABLE JAMES ARNOLD II,  
Attorney at Law, Fort Smith, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals from a decision of the  
Administrative Law Judge filed July 17, 2009. 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 May 30, 2007, the relationship of employee-employer-carrier existed between the parties.
3. On May 30, 2007, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$319.00 for total

disability \$239.00 for permanent partial disability.

4. On May 30, 2007, the claimant sustained compensable injuries to his head and ear.
5. There is no dispute, at the present time, over any benefits attributable to the compensable injuries to the claimant's head and ear.
6. The claimant has failed to prove by the greater weight of the credible evidence that he also sustained a compensable injury to his cervical spine, in the employment-related accident on May 30, 2007. Specifically, the claimant has failed to prove the likely or probable existence of a causal relationship between the specific employment-related incident or accident of May 30, 2007 and any physical injury to his cervical spine.
7. The respondents have denied the occurrence of a compensable injury to the claimant's cervical spine, in the specific employment-related incident or accident on May 30, 2007, and have controverted his entitlement to any benefits attributable to such an 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.

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.

---

A. WATSON BELL, Chairman

---

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.

**DISSENTING OPINION**

After my de novo review of the entire record, I must respectfully dissent from the majority opinion in this claim. I find that the claimant has proven the existence of a causal connection between his work-related accident on May 30, 2007 and his cervical injury. I would award all reasonable and necessary medical benefits for the treatment of his cervical injury by Drs. Trent and Johnson, temporary total disability benefits for the periods of time he was

unable to work during the treatment of this injury, and attorney's fees.

The crucial issue in this claim is whether the work-related injury on May 30, 2007, caused the claimant's cervical disc herniations and need for surgery. I credit the claimant's testimony that there was no other event which could have caused the disc herniations at three levels of his cervical spine, and that there is a causal connection between the traumatic injury to his head in which his head was struck by a piece of machinery, shoving his head into a railing, causing damage to the left side of his head and his right ear, and causing his head to "pop" out from between the machinery and the rail, and his cervical problems. In the absence any other event, and in the presence of intermittent use of hydrocodone and the claimant's time on limited duty and off work entirely, I find that the ten month gap between the injury and the presence of symptoms sufficient to warrant complaint is not so large as to prevent a determination of causation. The only explanation for the cervical damage which the claimant could provide was the May 30, 2007 incident. I do not credit Dr. Holder's opinion that there is not a causal relationship, as he only

saw the claimant once and he did not address the fact that the herniations were to the side and not anterior or posterior, which would be suggestive of the type of sideways movement the claimant described occurring on May 30, 2007.

I find that the claimant has proven by a preponderance of the evidence that he is entitled to medical and indemnity benefits for his cervical injury, and therefore I must respectfully dissent from the majority opinion.

---

PHILIP A. HOOD, Commissioner