

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F610626 & F505785

ROY E. GREEN, EMPLOYEE	CLAIMANT
ALLEN ENGINEERING CORP., EMPLOYER	RESPONDENT NO. 1
CINCINNATI INSURANCE CARRIER, INSURANCE CARRIER	RESPONDENT NO. 1
FREMONT COMPENSATION/PROPERTY & GUARANTY FUND	RESPONDENT NO. 2
SECOND INJURY FUND	RESPONDENT NO. 3
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 4

OPINION FILED AUGUST 11, 2010

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

Claimant appeared pro se.

Respondent No. 1 represented by the HONORABLE WILLIAM C.
FRYE, Attorney at Law, North Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE JEREMY
SWEARINGEN, Attorney at Law, Little Rock, Arkansas.

Respondent No. 3 represented by the HONORABLE DAVID B.
SIMMONS, Attorney at Law, Little Rock, Arkansas.

Respondent No. 4 represented by the HONORABLE CHRISTY L.
KING, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Respondents appeal an opinion and order of the Administrative Law Judge filed February 18, 2010. 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 these claims.
2. The prior rulings of the Administrative Law Judge, the Full Commission and the Arkansas Court of Appeals have become final and are *res judicata*.
3. Pursuant to the prior rulings in these claims growing out of the August 3, 2007, hearing, the claimant was found to have sustained a new injury or aggravation of his pre-existing condition on September 1, 2006, for which respondents #1 were ordered and directed to pay temporary total disability benefits commencing September 30, 2006, and continuing through the end of his healing period, a date to be determined. Further, respondents #1 were directed to pay all reasonable hospital and medical expenses arising out of the claimant's September 1, 2006, injury.
4. Medical treatment rendered to the claimant under the care of Dr. Asa Crow, Dr. Mack Shott, Dr. Butchalah Garlapati, Dr. Scott M. Schlesinger, and Dr. Gregory F. Ricca, has been reasonably necessary in connection with the treatment of the claimant's September 1, 2006, compensable injury.
5. Respondents #1 have failed or refused to pay for the cost of the claimant's medical treatment, to include medical relate (sic) travel, in accordance with

the prior rulings, in connection with the treatment of the September 1, 2006, compensable injury.

6. The evidence preponderates that the claimant has not reached the end of his healing period as a result of the September 1, 2006, compensable (sic) and remains entitle (sic) to the payment of corresponding temporary total disability benefits at the weekly compensation benefit rate of \$488.00.
7. Respondents #1 have controverted the payment of temporary total disability benefits to the claimant subsequent to February 18, 2008, and the payment of all medical benefits in connection with the September 1, 2006, compensable injury and in contravention of the prior rulings in this (sic) claims.

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 made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the February 18, 2010, decision of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and

adopt the opinion as the decision of the Full Commission on appeal.

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. 2002).

IT IS SO ORDERED.

A. WATSON BELL, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.