

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E901291

CAL JONES, EMPLOYEE	CLAIMANT
SMITH-BLAIR, INC., EMPLOYER	RESPONDENT
PACIFIC EMPLOYERS INSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT

OPINION FILED MARCH 25, 2010

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

Claimant appeared *Pro Se*.

Respondents represented by the HONORABLE NELSON SHAW,
Attorney at Law, Texarkana, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Respondents appeal an opinion and order of
the Administrative Law Judge filed November 25, 2009.
In said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. On August 12, 2004, Administrative Law
Judge J. Mark White found in relevant
part that the claimant has failed to
prove by a preponderance of the evidence
that he is entitled to permanent partial
disability benefits apportioned to the
body as a whole. That finding became a
final order when no timely appeal was
filed. The issue of whether the
claimant's permanent anatomical

impairment should be rated to the body as a whole is barred by the doctrine of *res judicata*. The claimant is therefore not entitled to have his impairment rating apportioned to the body as a whole.

2. Although originally listed as a hearing issue, the respondents have paid outstanding bills to Dr. DeHaan and Dr. Sharma as well as outstanding prescription medications bills. The issue of any un-reimbursed prescription expenses is hereby reserved.
3. The claimant has failed to establish by a preponderance of the evidence that he sustained compensable reflex sympathetic dystrophy. Specifically, the diagnosis of reflex sympathetic dystrophy discussed in various medical records is not supported by the objective medical findings which would indicate the presence of reflex sympathetic dystrophy.
4. The preponderance of the evidence establishes that the claimant sustained a compensable mental injury, depression, caused by his compensable physical injury. The preponderance of the evidence also establishes that Dr. Otero's psychological treatment for the claimant beginning in 2006 was reasonably necessary to treat the claimant's compensable depression.
5. The claimant has established by a preponderance of the evidence that the future medical treatment proposed by Dr. Sharma, including physical therapy, injections, pain management classes, and splints are reasonably necessary for treatment of the claimant's injury which has caused disuse and loss of functional use of the claimant's right hand.

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 November 25, 2009, 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

DAVID GREENBAUM, Special Commissioner