

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. F904777

MICHAEL RAYBORN, EMPLOYEE CLAIMANT

WINDCREST HEALTH & REHAB, EMPLOYER RESPONDENT

CCMSI, INSURANCE CARRIER RESPONDENT

OPINION FILED JULY 30, 2010

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

Claimant represented by the HONORABLE WESLEY COTTRELL,  
Attorney at Law, Rogers, Arkansas.

Respondents represented by the HONORABLE MICHAEL E. RYBURN,  
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals from a decision of the  
Administrative Law Judge filed January 27, 2010.

The Administrative Law Judge entered the following  
findings of fact and conclusions of law:

1. The stipulations agreed to by the parties at the pre-hearing conference conducted on October 28, 2009, and contained in a pre-hearing order filed that same date, are hereby accepted as fact.

- 2 The parties' stipulation that claimant earned an average weekly wage of \$300.00 which would entitle him to compensation at the rate of \$200.00 for total disability benefits and \$154.00 for permanent partial disability benefits is also hereby accepted as fact.
3. Claimant has failed to prove by a preponderance of the evidence that he suffered a compensable injury to his back while employed by respondent on March 20, 2009.

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.

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A. WATSON BELL, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.

**DISSENTING OPINION**

I must respectfully dissent from the majority opinion. After a de novo review of the record, I find that the claimant has shown objective findings of a physical injury requiring medical services. The claimant was prescribed Skelaxin by the emergency room. Skelaxin is used to treat muscle spasms. Pursuant to the Arkansas Supreme Court's ruling in Fred's, Inc. v. Jefferson, 361 Ark. 258, 206 S.W.3d 238 (2005), a prescription for Flexeril, also a drug used to treat muscle spasms, satisfies the objective findings requirement. Specifically, the Arkansas Supreme Court has held that treatment designed to relieve symptoms associated with an objective finding is sufficient to meet the objective medical findings criteria in the Workers'

Compensation Act. See Fred's, Inc. v. Jefferson, 361 Ark. 258, 206 S.W.3d 238 (2005) and Estridge v. Waste Management, 34 Ark. 276, 33 S.W.3d 167 (2000).

For the aforementioned reasons I must respectfully dissent.

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PHILIP A. HOOD, Commissioner