

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. F104631

SCOTT W. JONES, EMPLOYEE	CLAIMANT
SHERWOOD PONTIAC, BUICK, GMC, INC., EMPLOYER	RESPONDENT NO. 1
RISK MANAGEMENT RESOURCES, CARRIER/TPA	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2

OPINION FILED JANUARY 6, 2011

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

Claimant represented by the HONORABLE J. MARK WHITE, Attorney at Law, Bryant, Arkansas.

Respondents No. 1 represented by the HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE CHRISTY KING, 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 August 19, 2010.

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

1. The Workers' Compensation Commission has jurisdiction of this claim in which the employee-employer-carrier relationship existed on April 13, 2001, at which time

the claimant sustained a compensable back injury at a compensation rate of \$300.00/\$225.00. Medical expenses (until June 2002) and temporary total disability benefits (until September 10, 2001) were paid. Dr. Peeples released the claimant on June 24, 2002, with a 0% impairment. The Medical Cost Containment Division authorized a change of physician from Dr. Peeples to Dr. Bruffett on October 23, 2006. This claim has been the subject of a previous hearing with Opinions entered May 3, 2007, by the Administrative Law Judge, July 30, 2008, by the Full Commission, and April 22, 2009, by the Court of Appeals, denying additional medical treatment as unreasonable and unnecessary. The parties also agree that the Full Commission's findings are res judicata to the present claim.

2. The claimant was released by Dr. Peeples on June 24, 2002, with a 0% impairment rating.
3. This claim challenging an eight year old rating is barred by the doctrine of res judicata.
4. If they have not already done so, the respondents are directed to pay the court reporter, Linda Parker's, fees and expenses within thirty days of receipt of the bill.

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.