

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F807262

LASHAWN ROSS, EMPLOYEE	CLAIMANT
ARKANSAS DEPARTMENT OF CORRECTION, EMPLOYER	RESPONDENT
PUBLIC EMPLOYEE CLAIMS DIVISION, CARRIER/TPA	RESPONDENT

OPINION FILED AUGUST 9, 2011

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

Claimant appeared *pro se*.

Respondents represented by the HONORABLE RICHARD S. SMITH, 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 May 4, 2011.

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. The employer/employee/carrier relationship existed on or about July 17, 2008, when the claimant sustained a compensable low back, right hip and right ankle injury.

3. Based on an average weekly wage of \$546.64, the claimant would be entitled to compensation rates of \$364.00 for temporary total disability benefits and \$273.00 for permanent partial disability benefits.
4. The claimant received a change of physician to Dr. P.B. Simpson on June 15, 2010.
5. The claimant reached maximum medical improvement from her compensable injuries on March 26, 2009.
6. The claimant has failed to prove that she is entitled to additional medical benefits at this time.
7. The claimant has failed to prove that she is entitled to additional temporary total disability benefits since she has been released to return to work without restrictions as of March 26, 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.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood concurs, in part, and dissents, in part.

CONCURRING AND DISSENTING OPINION

I must respectfully concur, in part, and dissent, in part, from the majority opinion. I agree that the claimant has failed to prove that she is entitled to additional temporary total disability benefits. However, as I would award additional medical treatment in the form of the MRI and FCE recommended by Dr. P.B. Simpson, Jr., I must respectfully dissent on this issue.

The claimant has a compensable injury and the statute of limitations has not run. Dr. Simpson is the change of physician doctor. To not follow his recommendations renders the change of physician process meaningless. I believe the respondent should have to follow the change of physician doctor's recommendations. Therefore, I find that the claimant is entitled to the MRI and FCE recommended by Dr. Simpson.

For the aforementioned reasons, I must respectfully concur, in part, and dissent, in part, from the majority opinion.

PHILIP A. HOOD, Commissioner