

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. F703171

SHARI SHETRONE, EMPLOYEE	CLAIMANT
WATCH CARE, INC., EMPLOYER	RESPONDENT
COMMERCE & INDUSTRY INSURANCE COMPANY, CARRIER/TPA	RESPONDENT

OPINION FILED MARCH 18, 2011

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

Claimant represented by the HONORABLE FREDERICK "RICK" SPENCER, Attorney at Law, Mountain Home, Arkansas.

Respondents represented by the HONORABLE MELISSA WOOD, 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 November 2, 2010.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. The stipulations set forth above are reasonable and are hereby accepted.
3. Claimant's Proffered Exhibit 3 will be admitted into evidence and given due weight.

4. Respondents' Proffered Exhibit 3 will be admitted into evidence and given due weight.
5. The Arkansas Workers' Compensation Act is constitutional.
6. Because the parties have only stipulated to Claimant suffering a compensable knee injury, and the compensability of any other injuries has not been made an issue in this proceeding, only the issue of Claimant's entitlement to an MRI and a SPECT bone scan of the right knee will be addressed. The other procedures recommended by Dr. Harold Chakales—an MRI of the lumbar spine and an EMG of her back and both lower extremities—will not be addressed.
7. Claimant has not proven by a preponderance of the evidence that she is entitled to an MRI or a SPECT bone scan of her right knee.

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**

After my de novo review of the entire record, I must respectfully dissent from the majority opinion. I would award the claimant additional medical treatment of her compensable injury, including the recommended back, leg, and knee diagnostic studies recommended by Dr. Chakales.

The claimant sustained a compensable right knee injury in January 2007, for which she had surgery in April 2007. After surgery, she continued to have right knee pain, and then developed back and leg pain in June 2007. She related the back and leg pain to favoring her right leg, because of her knee pain, causing her to have an altered gait. In July 2007, Dr. Knox stated that "the pain in her back is directly related to her altered-gait pattern in trying to take care of her knee." The claimant continued to have back and knee pain, which she consistently related to her knee injury, which required further

treatment in 2008 and 2009. During that time the claimant was also treated for other health issues unrelated to her work-related fall and resulting knee, back and leg problems.

When the primary injury is shown to have arisen out of and in the course of the employment, the employer is responsible for any natural consequence that flows from that injury.

Heptinstall v. Asplundh Tree Expert Co., 84 Ark. App. 215, 137 S.W.3d 421 (2003). In that case, the claimant sustained scratches while working and developed a staph infection as a result. The surgical treatment of the infection was reasonable and necessary treatment of a compensable consequence of the compensable injury. Likewise, in Horticulture Landscape Mgmt. v. McDonald, 80 Ark. App. 45, 89 S.W.3d 375 (2002), a claimant sustained compensable hip and rib injuries. Treatment was delayed, and the claimant developed avascular necrosis of the hip, which was a compensable consequence of the compensable injury, treatment of which was the employer's responsibility. Similarly, the current claimant sustained a compensable injury to her right knee which caused her to alter her gait, which injured her back, either causing or making symptomatic the objective findings of physical damage in her spine.

I find that the claimant has proven by a preponderance of the evidence that she sustained a back injury, with back pain and leg pain, as a compensable consequence of her right knee

injury, additional treatment of which is reasonable and necessary.

Given the claimant's continued complaints of knee pain related to her January 2007 fall, her credible testimony, and the medical records, Dr. Chakales' recommendations of an MRI and a possible SPECT scan are reasonable and necessary.

I would award the claimant additional medical treatment of her compensable injury, including the recommended back, leg and knee diagnostic studies recommended by Dr. Chakales.

For the foregoing reasons, I must respectfully dissent from the majority opinion.

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PHILIP A. HOOD, Commissioner