

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. G901891 & H005058

FLORA M. 'RUBY' MARLETT, EMPLOYEE CLAIMANT

BAXTER COUNTY REGIONAL HOSPITAL, INC.,
SELF INSURED EMPLOYER RESPONDENT

RISK MANAGEMENT RESOURCES,
INSURANCE CARRIER/TPA RESPONDENT

OPINION FILED JUNE 29, 2022

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

Claimant represented by the HONORABLE FREDERICK S. "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

Respondents appeal and Claimant cross-appeals an opinion and order of the Administrative Law Judge filed March 11, 2022. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. That an employer/employee relationship existed on September 1, 2018, when the claimant contended, she suffered a work-related injury to her left shoulder and

neck. (Claim H005058) An employer/employee relationship also existed on March 14, 2019, when the claimant contended she suffered a work-related injury to her left shoulder and neck. The claim to the shoulder was accepted as compensable and reasonable and necessary medical was paid up until the MMI date of March 16, 2021, when a zero percent (0%) impairment rating was given. The claim involving the neck was denied. (Claim G901891).

3. That the claimant earned an average weekly wage of \$1,108.84 a week, sufficient for a temporary total disability (TTD)/permanent partial disability (PPD) rate of \$695.00/\$521.00 per week.
4. That the claimant failed to satisfy the notice requirement and the required burden of proof to show that she sustained a compensable work-related injury on September 1, 2018, and consequently the question of reasonable and necessary medical treatment in regard to this claim is moot. (Claim H005058)
5. That the claimant has satisfied the required burden of proof to show she suffered a compensable work-related neck injury on March 14, 2019, and she is entitled to reasonable and necessary medical treatment after the date of filing the Form AR-C.
6. That the claimant is entitled to an attorney fee pursuant to Ark. Code Ann. § 11-9-715. This shall bear interest at the legal rate pursuant to Ark. Code Ann. § 11-9-809. (Claim G901891).
7. If not already paid, the respondents are ordered to pay for the cost of the transcript forthwith.

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's March 11, 2022 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 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. 2012).

For prevailing on this appeal before the Full Commission, claimant's attorney is entitled to fees for legal services in accordance with Ark. Code Ann. § 11-9-715(Repl. 2012). For prevailing on appeal to the Full Commission, the claimant's attorney is entitled to an additional fee of five hundred dollars (\$500), pursuant to Ark. Code Ann. §11-9-715(b)(Repl. 2012).

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

CHRISTOPHER L. PALMER, Commissioner

M. SCOTT WILLHITE, Commissioner