

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G704122

BROCK McFARLIN, EMPLOYEE	CLAIMANT
CRAIGHEAD COUNTY JUDGE, EMPLOYER	RESPONDENT
ASSOCIATION OF ARKANSAS COUNTIES WORKERS' COMPENSATION TRUST/AAC RISK MANAGEMENT SERVICES, CARRIER/TPA	RESPONDENT

OPINION FILED OCTOBER 20, 2022

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

Claimant represented by the HONORABLE PHILLIP J. WELLS, Attorney at Law, Jonesboro, 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

Respondents appeal an opinion and order of the Administrative Law Judge filed May 31, 2022. In said order, the Administrative Law Judge

made the following findings of fact and conclusions of law:

1. The parties' stipulations are accepted as findings of fact herein, inclusive of the Commission's jurisdiction over this claim;
2. The Claimant has proven, by a preponderance of the evidence, that he is entitled to the additional medical treatment, and expenses associated therewith, rendered by or at the direction of Dr. Rebecca Barrett-Tuck and NP Kelsey Schmidt subsequent to October 15, 2020; and,

3. All other issues are reserved.

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 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.

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SCOTTY DALE DOUTHIT, Chairman

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M. SCOTT WILLHITE, Commissioner

Commissioner Palmer concurs.

CONCURRING OPINION

While I concur with the majority, I am troubled by Claimant's choice of activities given his physical condition and prior injury. I do, however, find the testimony of Dr. Tuck compelling. With full knowledge of all events including, but not limited to, the "railroad tie incident", Dr. Tuck opines that the compensable injury from June 1, 2017 is the major cause of Claimant's lower back problems that ultimately required surgery in June of 2021.

Therefore, I must concur.

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CHRISTOPHER L. PALMER, Commissioner