

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G607184

CHELSEA OTIS, EMPLOYEE	CLAIMANT
NORTH HILLS SURGERY CENTER, EMPLOYER	RESPONDENT NO. 1
RISK MANAGEMENT RESOURCES, INSURANCE CARRIER/TPA	RESPONDENT NO. 1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

OPINION FILED FEBRUARY 9, 2021

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

Claimant represented by the HONORABLE EDDIE H. WALKER, JR., Attorney at Law, Fort Smith, Arkansas.

Respondents No. 1 represented by the HONORABLE TOD C. BASSETT, Attorney at Law, Fayetteville, Arkansas.

Respondents No. 2 represented by the HONORABLE CHRISTY L. KING, 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 11, 2020. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The stipulations agreed to by the parties at the pre-hearing conference conducted on October 23, 2019

and contained in a Pre-hearing Order filed that same date, are hereby accepted as fact.

2. The claimant has proven by a preponderance of the evidence that she is entitled to additional medical treatment in the form of a follow-up visit with Dr. Knox. That visit shall include diagnostic testing if Dr. Knox believes it to be appropriate to provide a proper evaluation of the claimant's need for treatment.
3. The claimant has proven by a preponderance of the evidence that she is entitled to an anatomical impairment rating of 7% to the body as a whole due to her compensable lumbar spine injury. This rating has previously been paid by Respondent #1, but has now been controverted.
4. The claimant's attorney is entitled to the appropriate attorney's fee in this matter regarding the anatomical impairment rating that has now been controverted by Respondent #1.

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's May 11, 2020 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

M. SCOTT WILLHITE, Commissioner

Commissioner Palmer concurs in part and dissents in part.

CONCURRING AND DISSENTING OPINION

I concur with the majority that Claimant is entitled to a return visit to Dr. Knox; however, it seems appropriate that Dr. Knox give an updated opinion on whether Claimant's workplace incident caused a temporary aggravation of a preexisting condition (as several other doctors have found

since Dr. Knox gave his initial opinion of 7% impairment rating) or whether he stands by his initial impairment rating. Considering the bevy of doctors who have determined that Claimant's injury was temporary aggravation of a preexisting condition, I would find that it is premature to enter a finding on the issue of permanent impairment and, therefore, respectfully dissent from the majority's finding on this issue.

CHRISTOPHER L. PALMER, Commissioner