

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H006623

DAISY STOUT, EMPLOYEE	CLAIMANT
FIRSTSTAFF, INC, EMPLOYER	RESPONDENT
ZURICH INSURANCE COMPANY/GALLAGHER BASSETT SERVICES, INC., CARRIER/TPA	RESPONDENT

OPINION FILED JUNE 28, 2022

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

Claimant appeared *pro se*

Respondents represented by the HONORABLE RICK BEHRING, JR.,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the Administrative Law Judge filed February 8, 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 of this claim.
2. I hereby accept the aforementioned stipulations as fact.
3. Respondents' Motion to Dismiss, addressed again at the hearing, is held in abeyance based on Claimant's prosecution of the claim.

4. Claimant has failed to establish by a preponderance of the credible evidence that any additional medical treatment is reasonably necessary in connection with her compensable injury to her right great toe/foot on June 5, 2020.
5. Claimant has failed to meet her burden of proving that she is entitled to temporary total disability (TTD) for her compensable right toe/foot injury.

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.

Therefore, we affirm and adopt the February 8, 2022 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.

SCOTTY DALE DOUTHIT, Chairman

CHRISTOPHER L. PALMER, Commissioner

Commissioner Willhite Concurs

CONCURRING OPINION

After my *de novo* review of the entire record, I concur with the majority opinion finding that (1) Claimant has failed to establish by a preponderance of the credible evidence that any additional medical treatment is reasonably necessary in connection with her compensable injury to her right great toe/foot on June 5, 2020 and (2) Claimant has failed to meet her burden of proving that she is entitled to temporary total disability (TTD) for her compensable right toe/foot injury.

The claimant clearly suffered a compensable injury to her right foot/great toe. However, there is not sufficient proof within the record to conclude that any of the claimant's medical providers recommended additional medical treatment or took the claimant off work. Thus, I cannot say without speculation that the claimant is entitled to either additional medical treatment or TTD.

For the foregoing reason, I concur with the majority opinion.

M. Scott Willhite, Commissioner