

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F111537

GREGORY STOUT, EMPLOYEE CLAIMANT

WHITE'S HEATING & AIR, INC.,
EMPLOYER RESPONDENT NO. 1

STATE FARM FIRE & CASUALTY INS. CO./
SEDGWICK CLAIMS MANAGEMENT SVCS., INC.
INSURANCE CARRIER/TPA RESPONDENT NO. 1

DEATH & PERMANENT TOTAL DISABILITY
TRUST FUND RESPONDENT NO. 2

OPINION FILED AUGUST 10, 2021

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

Claimant represented by the HONORABLE C. BURT NEWELL, Attorney at
Law, Hot Springs, Arkansas.

Respondents No. 1 represented by the HONORABLE MELISSA WOOD,
Attorney at Law, Little Rock, Arkansas.

Respondent 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 No. 1 appeal an opinion and order of the
Administrative Law Judge filed February 4, 2021. In said order, the
Administrative Law Judge made the following findings of fact and
conclusions of law:

1. The Commission has jurisdiction over this claim.
2. The stipulations contained in the Prehearing Order filed October 7, 2020, which the parties affirmed on the record at the hearing, are hereby accepted as facts.
3. The claimant has met his burden of proof in demonstrating the medications which are the subject of this claim are related to, and at this time constitute reasonably necessary treatment for, his September 2001 compensable injury. The claimant is admittedly PTSD. He suffers from, among other unquestionably painful and debilitating conditions, the residual effects of a multiple-level lumbar discectomy and fusion with cage and hardware placement, cauda equina syndrome, and neuropathy. The claimant's long-time treating pain management physician(s) has(have) prescribed the medications which are the subject of this claim for an extended period of time, in excess of ten (10) years. In addition, the claimant's current treating pain management specialist, Dr. Slagle, has in fact lowered the dosages of the claimant's extended-release Morphine and Norco/Hydrocodone to the point the claimant believes they are Gregory Stout, AWCC No. 111537 17 "barely" staving off his credible chronic pain complaints.
4. I am concerned about the claimant's long-term use of strong prescription narcotic pain and neuropathy medications on his overall health; however, there exists insufficient evidence he has ever, or is at this time, over-using or abusing these medications. While I find a great deal of merit in the IME pain specialist, Dr. Roman's, recommendations to wean the claimant off these medications as expeditiously and safely as possible (which the claimant himself testified under oath he was willing to try), the preponderance of the medical and other evidence of record reveals the subject medications are related to, and at this time constitute reasonably necessary treatment for, the claimant's admitted compensable injury and the

debilitating effects and consequences thereof. Based on the specific facts of this case, I am not in a position to substitute Dr. Roman's opinions and treatment recommendations for those of the claimant's current treating pain management physician, Dr. Slagle.

5. The claimant's attorney is not entitled to a fee in this case pursuant to Ark. Code Ann. Section 11-9-715(B) (2020 Lexis Supp.)

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 4, 2021 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

M. SCOTT WILLHITE, Commissioner