

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. H204394

JOHNNY WRIGHT, EMPLOYEE	CLAIMANT
CENTRAL MOLONEY, INC., SELF-INSURED EMPLOYER	RESPONDENT
RISK MANAGEMENT RESOURCES TPA	RESPONDENT

OPINION FILED MAY 15, 2026

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

Claimant represented by the HONORABLE GARY DAVIS, Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE GUY ALTON WADE, 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 March 4, 2026. 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 as set forth above are reasonable and are hereby accepted.
3. The claimant has failed to prove by a preponderance of the evidence that he is entitled to vocational rehabilitation.

4. The claimant has failed to prove by a preponderance of the evidence that he is entitled to additional medical benefits.
5. Because the claimant has failed to prove that he is entitled to any additional indemnity benefits, he is not entitled to an attorney's fee.

We have carefully conducted a *de novo* review of the entire record herein, and it is our opinion 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 March 4, 2026 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.

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SCOTTY DALE DOUTHIT, Chairman

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MICHAEL R. MAYTON, Commissioner

Commissioner Willhite dissents

DISSENTING OPINION

After my *de novo* review of the record, I would concur with the Administrative Law Judge (hereinafter referred to as 'ALJ') Opinion finding that the Claimant failed to prove by a preponderance of the evidence that he is entitled to vocational rehabilitation, additional medical treatment or attorney's fees. However, my reasoning for the denial of vocational rehabilitation differs from the ALJ.

The purpose of Arkansas Code Annotated § 11-9-505 is to "place an emphasis on returning the injured worker to work, while still allowing and providing for vocational rehabilitation programs when determined appropriate by the commission. Ark. Code Ann. § 11-9-505(d). Arkansas Code Annotated § 11-9-505(a)(1) provides:

Any employer who without reasonable cause refuses to return an employee who is injured in the course of employment to work, where suitable employment is available within the employee's physical and mental limitations, upon order of the Workers' Compensation Commission, and in addition to other benefits, shall be liable to pay to the employee the difference between benefits received and the average weekly wages lost during the period of the refusal, for a period not exceeding one year.

Before Arkansas Code Annotated § 11-9-505(a)(1) applies, several requirements must be met:

- (1) The employee must prove by a preponderance of the evidence that he sustained a compensable injury;

- (2) That suitable employment which is within his physical and mental limitations is available with the employer;
- (3) That the employer has refused to return him to work;
- (4) And, that the employer's refusal to return him to work is without reasonable cause.

*Torrey v. City of Fort Smith*, 55 Ark. App. 226, 934 S.W .2d 237 (1996).

Arkansas Code Annotated § 11-9-505(b)(1) states:

In addition to benefits otherwise provided for by this chapter, an employee who is entitled to receive compensation benefits for permanent disability and has not been offered an opportunity to return to work or re-employment assistance shall be paid reasonable expenses of travel and maintenance and other necessary costs of vocational rehabilitation if the commission finds that the program is reasonable in relation to the disability sustained by the employee.

The Claimant sustained a compensable injury to his right index and middle fingers. At the time of his employment with the Respondent, the Claimant was an inmate within the Arkansas Department of Correction system. Claimant's employment was a part of the Arkansas Department of Correction's work-release program. After his injury, the Arkansas Department of Correction's contract with the Respondent lapsed. The Respondent was therefore not able to offer the Claimant employment after he was released at maximum medical improvement on May 15, 2023. Nevertheless, the Arkansas Department of Correction found employment in-line with their work-release program for the Claimant. The Claimant did not seek further employment with the Respondent after his injury or after his release from the Arkansas Department of Correction. Further, the Claimant

admitted at the hearing with the ALJ that he has worked at least three different jobs since being released.

As employment with the Respondent was not available for the Claimant due to the Arkansas Department of Correction's cancellation or non-renewal of Respondent's contract, I find that the Respondent did not refuse to return an employee who sustained a compensable injury to work. Therefore, I find that the Claimant is not entitled to voluntary rehabilitation under Arkansas Code Annotated § 11-9-505(b)(1).

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M. SCOTT WILLHITE, Commissioner