

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H107393

DILLON CHAULSETT, EMPLOYEE	CLAIMANT
SPRINGFIELD GROCER COMPANY, EMPLOYER	RESPONDENT
SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED JUNE 28, 2022

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 represented by the HONORABLE ZACHARY F. RYBURN,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondents appeal and the claimant cross-appeals an opinion and order of the Administrative Law Judge filed January 26, 2022. 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 a pre-hearing conference conducted on October 27, 2021 and contained in a pre-hearing order filed that same date are hereby accepted as fact.
2. The parties' stipulation that claimant would be entitled to the maximum compensation rate is also hereby accepted as fact.

3. Claimant has met his burden of proving by a preponderance of the evidence that he suffered a compensable injury to his lumbar spine while working for respondent on July 19, 2021.
4. Respondents are liable for payment of all reasonable and necessary medical treatment provided in connection to claimant's compensable lumbar spine injury.
5. Claimant has proven by a preponderance of the evidence that he is entitled to temporary total disability benefits from July 21, 2021 through December 2, 2021.
6. Respondent has controverted claimant's entitlement to all unpaid indemnity benefits.

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.

SCOTTY DALE DOUTHIT, Chairman

M. SCOTT WILLHITE, Commissioner

Commissioner Palmer dissents.

DISSENTING OPINION

Claimant has a history of back problems predating his alleged workplace injury at issue here. He first injured his back five years before the workplace incident at issue here while working for a different employer. He was actively treating with a chiropractor at the time of his alleged injury. Moreover, the nature of the activity in Claimant was engaged at the time of his alleged injury – sitting down in his truck – is not the type of activity capable of producing Claimant's injury. Given that Claimant was actively treating for the injury at the time of the alleged workplace incident, it

appears that his injury was either idiopathic or gradual in onset.

An idiopathic injury is one whose cause is personal in nature or peculiar to the individual. *White Cty. Med. Ctr. v. Johnson*, 2022 Ark. App. 262, at 5. A compensable injury is defined by Ark. Code Ann. § 11-9-102(4)(D) as “[a]n accidental injury causing internal or external physical harm . . . arising out of and in the course of employment.” An injury is “accidental” only if it is caused by a specific incident and is identifiable by time and place of occurrence.

Claimant did not allege a gradual-onset injury; however, a progress note on August 23, 2021, notes that Claimant “states that this began as a gradual onset while he was at work, no known injury.” Also on Claimant’s short-term disability application, he identified the cause as “no known injury.”

Based on the above, I would find that Claimant failed to prove that he has sustained a compensable specific-incident injury and, therefore, respectfully dissent from the majority.

CHRISTOPHER L. PALMER, Commissioner