

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G906350

LAURA D. EASLEY, EMPLOYEE	CLAIMANT
COLLEGE HILL MIDDLE SCHOOL, EMPLOYER	RESPONDENT
ARKANSAS SCHOOL BOARDS ASSN., WORKERS' COMPENSATION TRUST, INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED JULY 27, 2023

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

Claimant represented by the HONORABLE GREGORY R. GILES, Attorney at Law, Texarkana, Arkansas.

Respondents represented by the HONORABLE MELISSA WOOD, 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 2, 2023. 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 September 23, 2022, which the parties modified and affirmed on the record at the hearing, hereby are accepted as facts.

3. The claimant has failed to meet her burden of proof in demonstrating she sustained a lower back/lumbar spine injury as a result of either of the August 13, 2019, or the August 22, 2020, falls. Therefore, the respondents are not responsible for payment of any medical or indemnity benefits associated with the claimant's long-standing, well-documented, symptomatic lower back/lumbar spine degenerative disc disease/condition. See Vaughn and Moody, *supra*.
4. The claimant has met her burden of proof in demonstrating the right ankle fusion surgery Dr. Ardoin has recommended is related to and reasonably necessary in light of her compensable injury.
5. The claimant has failed to meet her burden of proof in demonstrating she is entitled to additional medical treatment at the respondents' expense for her thoracic spine strain after May 15, 2021, the date Dr. Bruffett opined she reached MMI, except for the June 16, 2021, MRI Dr. Bruffett ordered and required in order to clarify his opinion.
6. The claimant has met her burden of proof in demonstrating the pain management treatment she has undergone for her right ankle and neck/cervical spine injuries is related to and reasonably necessary for treatment of her admittedly compensable injuries of August 13, 2019, and August 22, 2020.
7. The claimant has met her burden of proof in demonstrating she is entitled to additional TTD benefits from August 22, 2020, through March 8, 2021; and from March 9, 2021, through June 14, 2022, the date Dr. Martin opined she had reached MMI. Of course, the respondents are entitled to take a credit toward this award of additional TTD benefits based on any and all indemnity benefits they may have overpaid.

8. The claimant's attorney is entitled to an attorney's fee on all controverted indemnity payments.

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's March 2, 2023 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 decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

The claimant's attorney is entitled to fees for legal services in accordance with Ark. Code Ann. § 11-9-715(a)(Repl. 2012). For prevailing in part on appeal, 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

MICHAEL R. MAYTON, Commissioner