

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G405654

BETTY ETZBERGER, CLAIMANT  
EMPLOYEE

DOLLAR GENERAL CORPORATION, RESPONDENT  
EMPLOYER

DOLLAR GENCORP, LLC/YORK RISK SERVICES RESPONDENT  
GROUP, INC., INSURANCE CARRIER/TPA

OPINION FILED JANUARY 14, 2022

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

Claimant represented by the HONORABLE DANIEL E. WREN, Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE JASON A. LEE, Attorney at Law, Little Rock, Arkansas.

ORDER

The respondents appeal an administrative law judge's opinion filed June 9, 2021. The administrative law judge found, among other things, that treatment recommended by Dr. Baskin was reasonably necessary. The Full Commission vacates the administrative law judge's opinion, and we remand for proper findings of fact and conclusions of law based on a sufficient record.

When deciding any issue, administrative law judges and the Commission shall determine, on the basis of the record as a whole, whether the party having the burden of proof on an issue has established it by a preponderance of the evidence. Ark. Code Ann. §11-9-704(c)(2)(Repl.

2012). The Full Commission is charged with performing a proper *de novo* review of the record when reviewing an administrative law judge's opinion. *See Tucker v. Roberts-McNutt, Inc.*, 342 Ark. 511, 29 S.W.3d 706 (2000).

In the present matter, the claimant appears to essentially argue that she is entitled to additional medical treatment recommended by Dr. Baskin. The respondents contend that the claimant is not entitled to treat with Dr. Baskin. Nevertheless, there is no record for the Full Commission's *de novo* review. The Full Commission therefore vacates the administrative law judge's June 9, 2021 opinion, and we remand the case to the administrative law judge to compile a proper record. Said record shall include but not necessarily be limited to a pre-hearing order, stipulations of the parties, prior Commission opinions, motions, pleadings, agreed issues for adjudication, testimony if so desired by the parties, and especially medical evidence.

The Full Commission therefore vacates the administrative law judge's opinion filed June 9, 2021, and we remand for proper findings of fact and conclusions of law.

IT IS SO ORDERED.

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SCOTTY DALE DOUTHIT, Chairman

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CHRISTOPHER L. PALMER, Commissioner

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M. SCOTT WILLHITE, Commissioner