

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H002529

ANN WELLS, EMPLOYEE	CLAIMANT
WALMART ASSOCIATES, INC., EMPLOYER	RESPONDENT
WALMART CLAIMS 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 FREDERICK S. "RICK" SPENCER, Attorney at Law, Mountain Home, Arkansas.

Respondents represented by the HONORABLE CURTIS L. NEBBEN, Attorney at Law, Fayetteville, Arkansas and R. SCOTT ZUERKER, Attorney at Law Fort Smith, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondents appeal an opinion and order of the Administrative Law Judge filed January 5, 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 July 14, 2021 and contained in a pre-hearing order filed July 16, 2021 are hereby accepted as fact.
2. Claimant has met her burden of proving by a preponderance of the evidence that she suffered a compensable injury to her left hip on April 24, 2020.

3. Claimant is entitled to payment for all reasonable and necessary medical treatment provided for her compensable left hip injury.

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

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. Because an idiopathic injury is not related to employment, it is generally not compensable unless conditions related to the employment contribute to the risk. *Crawford v. Single Source Transp.*, 87 Ark. App. 216, 221, 189 S.W.3d 507, 511 (2004).

It is clear from the video in evidence that Claimant has an unusual gait, which is peculiar to Claimant. Her right foot swings past her left foot as she walks. This unusual gait caused Claimant to lose her balance and fall. Nothing related to her employment added to the risk. Accordingly, I find that Claimant sustained an idiopathic injury and that she failed to prove that she sustained a compensable injury and, therefore, respectfully dissent from the majority.

CHRISTOPHER L. PALMER, Commissioner