

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H206949

GLEND A F. LURRY, EMPLOYEE CLAIMANT

COCA-COLA CONSOLIDATED, INC.,
EMPLOYER RESPONDENT

INDEMNITY INSURANCE COMPANY OF
NORTH AMERICA, INSURANCE CARRIER/TPA RESPONDENT

OPINION FILED SEPTEMBER 19, 2024

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

Claimant is *Pro Se*.

Respondents represented by the HONORABLE RICK BEHRING, JR.,
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 January 5, 2024. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. The stipulations set forth above are reasonable and are hereby accepted.
3. Claimant has not proven by a preponderance of the evidence that she is entitled to additional treatment of her stipulated compensable lower back injury.

4. Claimant has not proven by a preponderance of the evidence that she is entitled to temporary total disability benefits for any period in connection with her stipulated compensable lower back 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 January 5, 2024 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.

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

MICHAEL R. MAYTON, Commissioner

Commissioner Willhite dissents.

DISSENTING OPINION

The ALJ in this case found that the Claimant failed to prove by a preponderance of the evidence that she is entitled to additional treatment of her stipulated compensable lower back injury and that she failed to prove by a preponderance of the evidence that she is entitled to temporary total disability benefits for any period in connection with such stipulated injury. After a *de novo* review of the record, I would rule in favor of the Claimant as having proved by a preponderance of the evidence that she is entitled to additional treatment of her stipulated compensable lower back injury, but concur with the ALJ's findings of denial of temporary total disability benefits for any period.

An employer shall promptly provide for an injured employee such medical treatment as may be reasonably necessary in connection with the injury received by the employee. Ark. Code Ann. §11-9-508(a). The claimant bears the burden of proving that she is entitled to additional medical treatment. *Dalton v. Allen Eng'g Co.*, 66 Ark. App. 201, 989 S.W.2d 543 (1999). What constitutes reasonable and necessary medical treatment is a question of fact for the Commission. *White Consolidated Indus. v. Galloway*, 74 Ark. App. 13, 45 S.W.3d 396 (2001); *Wackenhut Corp. v. Jones*, 73 Ark. App. 158, 40 S.W.3d 333 (2001).

Claimant continuously suffered symptoms from her compensable injury and as a result exercised her one-time right to change physicians. Claimant was seen by Dr. Jordan Walters who recommends additional medical treatment in the form of medial branch blocks. I find Dr. Walters's recommended treatment is reasonable and necessary and would grant Claimant's entitlement to additional medical treatment in the form of medical branch blocks.

For the reasons stated above, I respectfully dissent.

M. SCOTT WILLHITE, Commissioner