

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H108821

WANDA MULDROW, EMPLOYEE CLAIMANT

DEPARTMENT OF WORKFORCE SERVICES,
EMPLOYER RESPONDENT

STATE OF ARKANSAS/PUBLIC EMPLOYEE
CLAIMS DIVISION, INSURANCE CARRIER/TPA RESPONDENT

OPINION FILED MAY 3, 2024

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 CHARLES H. McLEMORE, 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 19, 2024. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The stipulations contained in the prehearing order filed September 20, 2023, which the parties modified and affirmed on the record at the hearing, hereby are accepted as facts.
2. The claimant has failed to meet her burden of proof in demonstrating she is entitled to TTD benefits from March 8, 2022, through August 14, 2023.

3. The claimant's attorney is not entitled to a fee on these facts.

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 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 January 19, 2024 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 concurs.

CONCURRING OPINION

After my *de novo* review of the entire record, I concur with the majority opinion finding that the Claimant failed to prove by a

preponderance of the evidence that she is entitled to temporary total disability benefits from March 8, 2022, through August 14, 2023. I write separately for the benefit of the Claimant.

While Claimant did sustain a compensable injury to her left index finger, there does not appear to be any evidence in the record that Claimant has met the requirements of Ark. Code Ann. § 11-9-521(a). There is no evidence in the record that Claimant's authorized physician restricted her ability to work because of her compensable injury. Thus, I cannot say that the Claimant's injury to her left index finger entitled Claimant to temporary total disability benefits from March 8, 2022, through August 14, 2023.

For the foregoing reasons, I concur with the majority opinion.

M. SCOTT WILLHITE, Commissioner