

Justice Loughry, dissenting:

In its notice dated March 24, 2010, the claims administrator found insufficient evidence to support temporary total disability benefits for the period of November 16, 2008, through March 16, 2009, as requested by Mr. Wolfe. The claims administrator allowed the claim to remain open for 45 days in order for the claimant to introduce additional evidence supporting the asserted period of disability. No additional evidence was ever submitted by Mr. Wolfe, and the claim was closed by the claims administrator on April 23, 2010. On appeal, the Office of Judges held that the claim was properly closed for temporary total disability benefits and stated that the evidence does not prove that the claimant was out of work for his lumbar sprain but rather due to a non-compensable condition. The claims administrator, Office of Judges, and Board of Review all correctly found that Mr. Wolfe failed to meet his burden of providing evidence to substantiate the continuation of temporary total disability benefits, as it relates to his compensable lumbar sprain injury. Therefore, I dissent.