

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F200348

TINA MARIE BAPTISTA,
EMPLOYEE

CLAIMANT

KROGER COMPANY,
EMPLOYER

RESPONDENT

RSKCO SERVICES, INC.,
INSURANCE CARRIER

RESPONDENT

OPINION FILED NOVEMBER 3, 2003

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

Claimant represented by HONORABLE THOMAS W. MICKEL, Attorney
at Law, Conway, Arkansas.

Respondents represented by HONORABLE WENDY S. WOOD, Attorney
at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

This case comes on for review by the Full
Commission on appeal by claimant from an opinion filed
herein by an Administrative Law Judge on July 15, 2003.

The Administrative Law Judge entered the following
findings of fact and conclusions of law:

1. The employee-employer-carrier
relationship existed at all
relevant times.
2. The compensation rates were \$252.00
for temporary total disability and
\$189.00 for permanent partial
disability.

3. The preponderance of the evidence reflects that the claimant did not sustain a compensable gradual on-set cervical spine injury in September 2001 or January 2002. The preponderance of the evidence reflects that the claimant's injury was not caused by rapid, repetitive motion, nor was any work-related injury the "major cause" of her disability and need for treatment.

In this case, we have reviewed the record de novo, weighing the evidence impartially and without giving the benefit of the doubt to either party. Ark. Code Ann. § 11-9-704(c) and Fowler v. McHenry, 22 Ark. App. 196, 737 S.W.2d 663 (1987). It is our opinion that the decision of the Administrative Law Judge is correct 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. Accordingly, we affirm and adopt the decision of the Administrative Law Judge filed July 15, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.