

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F206124

MARIA BALLESTEROS,
EMPLOYEE

CLAIMANT

SIMMONS FOODS,
SELF-INSURED EMPLOYER

RESPONDENT

OPINION FILED JULY 7, 2003

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

Claimant represented by the HONORABLE JAY TOLLEY,
Attorney at Law, Fayetteville, Arkansas.

Respondent represented by the HONORABLE TOD BASSETT II,
Attorney at Law, Fayetteville, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the
Administrative Law Judge filed December 4, 2002. 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 of this claim.
2. On all relevant dates, the relationship
of employee-self-insured employer existed
between the parties.
3. On all relevant dates, the claimant
earned wages sufficient to entitle her

to weekly compensation benefits of \$209.00 for total disability and \$157.00 for permanent partial disability, should such benefits have been applicable.

4. The claimant has failed to prove by the greater weight of the credible evidence that she sustained a "Compensable injury" to her back or lumbar spine within the meaning of either Ark. Code Ann. §11-9-102(4)(A)(i) or Ark. Code Ann. §11-9-102(4)(A)(ii)(b). Specifically, she has failed to prove that any objectively supported physical injury or condition involving her back represents an injury that arose out of and occurred in the course of her employment with this respondent.

5. The respondent has denied the occurrence of any compensable injury to the claimant's back and have controverted this claim in its entirety.

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 December 4, 2002 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.

OLAN W. REEVES, Chairman

JOE E. YATES, Commissioner

Commissioner Turner dissents.