

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F012602

PAT A. FARRIS,
EMPLOYEE

CLAIMANT

D & E CLEANERS, LLC,
EMPLOYER

RESPONDENT

CUNNINGHAM LINDSAY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED JULY 15, 2003

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

Claimant represented by HONORABLE GARY DAVIS, Attorney at
Law, Little Rock, Arkansas.

Respondents represented by HONORABLE MATT MAULDIN, 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 December 5, 2002.

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

1. That the Arkansas Workers'
Compensation Commission has
jurisdiction of this claim.
2. That the stipulations agreed to by
the parties at the pre-hearing

conference conducted on September 5, 2002, and contained in a pre-hearing order filed September 5, 2002, are hereby accepted as fact.

3. That the Claimant has failed to prove by a preponderance of the credible evidence that she sustained a compensable specific incident injury to her right knee, or any aggravation of a pre-existing right knee condition on October 30, 2000; specifically, Claimant has failed to prove that she sustained any right knee injury or aggravation of any pre-existing right knee condition with medical evidence supported by objective findings establishing the injury or aggravation, and that said [sic] arose out of and in the course of her employment, and was caused by a specific incident and is identified by time and place of occurrence; additionally, the Claimant has failed to establish causation by a preponderance of either the objective medical evidence, expert medical opinion, or the non-medical evidence in the record, and there are no objective findings of any new or acute right knee injury having been sustained by Claimant on October 30, 2000.
4. That the Claimant's claim is hereby respectfully denied and dismissed in its entirety.

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 December 5, 2002, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

JOE E. YATES, Commissioner

Commissioner Turner dissents.