

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F112595

LORIE L. DAVIS, EMPLOYEE	CLAIMANT
FRESENIUS MEDICAL CARE, EMPLOYER	RESPONDENT
AMERICAN CASUALTY COMPANY, INSURANCE CARRIER	RESPONDENT

OPINION FILED OCTOBER 6, 2003

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

Claimant represented by HONORABLE EDDIE H. WALKER, JR.,  
Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE FRANK B. NEWELL,  
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals from a decision of the  
Administrative Law Judge filed December 16, 2002.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. The employment relationship existed between the parties at all relevant times, including February 11, 2001, at which time claimant earned sufficient

wages to entitle her to a compensation rate of \$140.00 per week for temporary total disability and \$308.00 per week for permanent partial disability in the event her claim is found compensable.

3. A preponderance of the evidence reflects that the claimant sustained an injury as the result of slipping and falling while participating at a seminar required by her employer. A preponderance of the credible evidence reflects that the claimant slipped and fell while taking a personal break during the meeting. A preponderance of the evidence does not support the claimant's testimony that she was taking a bathroom break when she slipped and fell.

4. The claimant was not performing employment services at the time of her slip and fall which caused her low back injury.

5. Respondent has 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.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission

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on appeal.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.