

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F203355

SHERRY EVANS-VANZANT, EMPLOYEE	CLAIMANT
ARKANSAS CONTINENTAL BEAUTY COLLEGE, EMPLOYER	RESPONDENT
COMMERCE & INDUSTRY, INSURANCE CARRIER	RESPONDENT

OPINION FILED AUGUST 21, 2003

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

Claimant represented by HONORABLE J. RANDOLPH SHOCK,  
Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE CAROL WORLEY, 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 January 7, 2003.

The Administrative Law Judge entered 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, including March 12, 2002, the relationship of employee-employer-carrier existed between the parties.
3. The claimant has failed to prove by the greater weight of the credible evidence the occurrence of a "compensable injury" to her spine or

back. Specifically, she has failed to prove the occurrence of any physical injury to this portion of her anatomy that "arose out of and occurred in the course of" her employment with the respondent.

4. The respondents have denied the occurrence of any compensable injury 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.

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 on appeal.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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JOE E. YATES, Commissioner

Commissioner Turner dissents.

DISSENTING OPINION

\_\_\_\_\_I must respectfully dissent from the majority opinion finding that claimant failed to prove a causal connection between her back abnormalities and an incident at work.

It is undisputed that on or about March 12, 2002, claimant and one of her students were involved in removing flood water from a classroom. Claimant and the student testified that they used a mop and bucket for a while and then used a shop vac. Claimant stated that while performing this duty, she slipped and twisted, causing an immediate sharp pain in her back which radiated down into her right lower extremity. She ceased working for a period of time while her symptoms resolved. However, her condition progressively worsened over the next three weeks, causing her to seek medical treatment on April 3, 2002.

I find claimant's testimony sufficiently credible to support a finding that her back condition is causally related to her employment. Accordingly, I must respectfully dissent.

SHELBY W. TURNER, Commissioner