

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F207883

KIMBERLY ELLIOTT,  
EMPLOYEE

CLAIMANT

CAFÉ SANTA FE, INC.,  
EMPLOYER

RESPONDENT

MID CENTURY INS. CO.,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED JULY 7, 2003

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

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

Respondents represented by HONORABLE CAROL WORLEY, Attorney  
at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and  
adopted.

OPINION AND ORDER

The claimant appeals from a decision of the  
Administrative Law Judge filed January 23, 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 June 8, 2002, the relationship of  
employee-employer-carrier existed between the  
parties.

3. The claimant is entitled to a compensation rate based on earnings of \$6.50 per hour working 24 hours per week.
4. The claimant is found to be engaging in horseplay at the time she injured her knee, therefore, in accordance with Arkansas law she is not entitled to benefits. See Ark. Code Ann. § 11-9-102(4) (B) (i).
5. That the claimant's attorney, Mr. Jay Tolley, was found in contempt of this Commission and fined \$100.00.

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.