

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F203376 & F203377

CHERRINA HARRIS, EMPLOYEE

CLAIMANT

BURGER KING, SELF-INSURED EMPLOYER

RESPONDENT

OPINION FILED JULY 15, 2003

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

Claimant represented by HONORABLE SHEILA F. CAMPBELL,  
Attorney at Law, Little Rock, Arkansas.

Respondent represented by HONORABLE GAIL O. MATTHEWS,  
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 September 11, 2002.

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

1. There was an employer-employee relationship on March 1, 2002 and March 3, 2002.
2. The compensation rate is \$138.
3. The claimant has failed to prove by a preponderance of the evidence that she sustained a compensable eye injury in the course of and arising out of her employment.

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 opinion of the majority finding that claimant failed to prove that she sustained an eye injury arising out of and in the course of

her employment.

Even respondent does not dispute the occurrence of a work-related accident. In its brief to the Commission, respondent acknowledges that "[o]n March 1, 2002 a piece of meat fell off a broiler causing grease to pop in claimant's left eye." Further, Bray Brooks, Manager, testified that she observed a brown mark on claimant's eye after the accident. Reports from an emergency room visit at a local hospital noted a streak in claimant's left eye and the clinical impression was a resolving burn injury. Thereafter, claimant presented to the Little Rock Eye Clinic and was diagnosed with refractive amblyopia.

Based on the above evidence, I find that claimant has proven by a preponderance of the evidence that she sustained an eye injury arising out of and in the course of her employment. Accordingly, the opinion of the Administrative Law Judge should be reversed.

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SHELBY W. TURNER, Commissioner