

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F210798

DANNY HENINGTON,
EMPLOYEE

CLAIMANT

FRANK FOSTER,
UNINSURED EMPLOYER

RESPONDENT

OPINION FILED NOVEMBER 17, 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 TOD BASSETT, Attorney
at Law, Fayetteville, 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 May 14, 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 July 23, 2002, the relationship
of employee-uninsured employer
existed between the parties.

3. On July 23, 2002, the appropriate weekly compensation rates would have been \$167.00 for total disability and \$154.00 for permanent partial disability, should such benefits have been appropriate.
4. The greater weight of the credible evidence proves that the employment relationship between the claimant and the respondent constituted "agricultural farm labor," which is expressly excluded from the definition of "employment" covered by the provisions of the Arkansas Workers' Compensation Act. Therefore, the claimant would not be entitled to any benefits under the Act for any injuries he sustained in this employment.
5. The respondent has controverted this claim 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

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decision of the Administrative Law Judge filed May 14, 2003,
and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.