

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F214599

HOSEA HUMPHREY,  
EMPLOYEE

CLAIMANT

PENGUIN ED'S BBQ,  
EMPLOYER

RESPONDENT

UNION STANDARD INSURANCE COMPANY,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED DECEMBER 30, 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 WILLIAM C. FRYE,  
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 June 30, 2003. The  
Administrative Law Judge entered the following findings of  
fact and conclusions of law:

1. The stipulations agreed to by the parties at  
the pre-hearing conference conducted on April  
2, 2003, and contained in a pre-hearing order  
filed the same date, are hereby accepted as  
fact.
2. The parties' stipulation that the claimant  
earned an average weekly wage of \$315.00

which results in compensation rates of \$210.00 for total disability benefits and \$158.00 for permanent partial disability benefits is also hereby accepted as fact.

3. Claimant has failed to prove by a preponderance of the evidence that he suffered a compensable injury to his left shoulder and upper arm while employed by the respondent.

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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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.