

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E910706

ROSE LEE,
EMPLOYEE

CLAIMANT

TYSON FOODS, INC.; TYSON SHARED SERVICES;
and TYSON MEXICAN ORIGINAL, INC.
EMPLOYER

RESPONDENT

TYNET,
TPA

RESPONDENT

OPINION FILED NOVEMBER 7, 2003

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

Claimant represented by HONORABLE THOMAS BRAMHALL, Attorney
at Law, Fayetteville, Arkansas.

Respondents represented by HONORABLE VINCE CHADICK, 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 January 30, 2003.

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

1. The stipulations of fact agreed to
by the parties are hereby accepted
as fact.

2. Tyson Foods, Inc., as the sole stockholder of Tyson Mexican Original, is entitled to the exclusive remedy protection of A.C.A. § 11-9-105(a).
3. Respondent's objections to evidence submitted by the claimant are overruled.

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 decision of the Administrative Law Judge filed January 30, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY Commissioner

Commissioner Turner dissents.