

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F112214

JAMES D. JONES, EMPLOYEE	CLAIMANT
PRESCOLITE MOLDCAST, EMPLOYER	RESPONDENT
ACE/U.S.A., INSURANCE CARRIER	RESPONDENT

OPINION FILED AUGUST 19, 2003

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

Claimant represented by HONORABLE MATTHEW J. SHEPHERD, Attorney at Law, El Dorado, Arkansas.

Respondent represented by HONORABLE BETTY DEMORY, 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 October 9, 2002.

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

1. The stipulations agreed to by the parties at the prehearing telephone conference conducted on April 29, 2002, and contained in the Prehearing Order filed that same date are hereby accepted as fact.

2. Claimant has failed to prove by a preponderance of the credible evidence that he sustained a compensable injury which arose out of and in the course of his employment on August 23, 2001.

3. Since the claimant has failed to prove the compensability of this claim, all other issues are moot.

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.

OLAN W. REEVES, Chairman

JOE E. YATES, Commissioner

Commissioner Turner dissents.