

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F200933

BOBBY E. LOWERY,  
EMPLOYEE

CLAIMANT

MAVERICK TUBE,  
EMPLOYER

RESPONDENT

CROCKETT ADJUSTMENT,  
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED SEPTEMBER 10, 2003

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

Claimant represented by HONORABLE DANNY RAY WILLIAMS,  
Attorney at Law, Little Rock, Arkansas.

Respondents represented by HONORABLE RICHARD A. REID,  
Attorney at Law, Blytheville, 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 7, 2003.

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

1. The Arkansas Workers' Compensation  
Commission has jurisdiction over  
this claim.
2. The claimant was an employee of  
Maverick Tube at all relevant times

through May 3, 2001, and earned sufficient wages to entitle him to the maximum compensation rates in the event his claim was found compensable.

3. The claimant failed to prove, by a preponderance of the evidence, that he sustained an injury arising out of and during the course of his employment with Maverick Tube.
4. The claimant has failed to prove that he sustained a cumulative trauma injury to both upper extremities as the result of rapid repetitive work activities.
5. The claimant has failed to prove, by a preponderance of the evidence, that his injury was caused by a specific incident identifiable by time and place of occurrence on or about April 1, 2001, as alleged.
6. The claimant has failed to prove, by a preponderance of the evidence, that his physical problems and need for medical treatment beginning in April, 2001, were directly and causally related to his work activities with the respondent.
7. 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 decision of the Administrative Law Judge filed January 7, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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JOE E. YATES, Commissioner

Commissioner Turner dissents.