

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F105117

MATT MAROVICH,  
EMPLOYEE

CLAIMANT

AMERICAN AIR FILTER,  
EMPLOYER

RESPONDENT

CONNECTICUT INDEMNITY,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED SEPTEMBER 19, 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 CURTIS NEBBEN, Attorney  
at Law, Fayetteville, 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 February 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 all relevant dates, including April 24 and  
April 28, 2001, the relationship of employee-  
employer-carrier existed between the parties.

3. On all relevant dates, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$341.00 for total disability and \$256.00 for permanent partial disability, should this claim have been compensable.
4. The claimant has failed to prove that any difficulties which he experienced with his left shoulder beginning in April of 2001, constitute a "compensable injury" as that term is defined by the Act. Specifically, he has failed to prove the actual existence of any physical injury involving his left shoulder by medical evidence, which is supported by "objective findings" or findings beyond the claimant's voluntary control.
5. The respondents have denied the occurrence of any "compensable injury" to the claimant's left shoulder and have controverted this claim in its entirety.

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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JOE E. YATES, Commissioner

Commissioner Turner dissents.

DISSENTING OPINION

\_\_\_\_\_ I must respectfully dissent from the opinion of the majority finding that claimant failed to prove by a preponderance of the evidence that he sustained a compensable injury. Additionally, I point out that respondents are nonetheless liable for any treatment by physicians it directed claimant to see following his report of injury. Southern Hospitalities v. Britain, 54 Ark. App. 318, 925 S.W.2d 810 (1996).

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SHELBY W. TURNER, Commissioner