

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F208214

DONALD McWILLIAMS,
EMPLOYEE

CLAIMANT

V & C VACUUM SERVICE, INC.,
EMPLOYER

RESPONDENT

BITUMINOUS CASUALTY GROUP,
INSURANCE CARRIER

RESPONDENT

OPINION FILED SEPTEMBER 25, 2003

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

Claimant represented by HONORABLE F. MATTISON THOMAS III,
Attorney at Law, El Dorado, Arkansas.

Respondents represented by HONORABLE RANDY MURPHY, 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 13, 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 prehearing telephone conference conducted on February 24, 2003 and contained in the Prehearing Order filed that same date are hereby accepted as fact.
2. Claimant did not cease work immediately as a result of pain from the alleged hernia.
3. Claimant did not report an injury within 48 hours of the alleged hernia.

4. Claimant did not require medical treatment for the alleged hernia within 72 hours of the alleged injury.
5. Claimant has failed to prove by a preponderance of the credible evidence that he sustained a compensable hernia injury on or about June 28, 2002.
6. Claimant has failed to prove by a preponderance of the credible evidence that he sustained a compensable injury to his back on or about June 28, 2002, which arose out of and in the course of his employment.

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.