

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F212238

ROBERT MUSI,
EMPLOYEE

CLAIMANT

BUTTERBALL TURKEY,
EMPLOYER

RESPONDENT

SEDGWICK JAMES,
INSURANCE CARRIER

RESPONDENT

OPINION FILED NOVEMBER 3, 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

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 July 30, 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
September 8, 2002, the relationship

of employee-self insured employer-third party administrator existed between the parties.

3. On all appropriate dates, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$425.00 for total disability and \$319.00 for permanent partial disability, should such benefits have been appropriate.
4. The claimant has failed to prove by the greater weight by the credible evidence that he sustained "a compensable injury" to his back within the meaning of Ark. Code Ann. § 11-9-102(4) (A) (i) or § 11-9-102(4) (A) (ii) (b). Specifically, the claimant has failed to prove by the greater weight of the credible evidence the existence of a causal relationship between his most recent episode of lower back difficulties and the specific employment related incident of September 8, 2002 or his employment activities, in general, for this respondent during his brief period of employment.
5. The respondents have denied the occurrence of any "compensable injury" to the claimant's lower back and have 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 July 30, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.