

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F001849

GLASGOW REX, EMPLOYEE	CLAIMANT
CHOCTAW, INC., EMPLOYER	RESPONDENT
ACE USA/CIGNA, INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED NOVEMBER 3, 2003

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

Claimant represented by HONORABLE JOE M. ROGERS, Attorney at Law, West Memphis, Arkansas.

Respondent represented by HONORABLE ERIC NEWKIRK, 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 January 29, 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 employee/employer/carrier relationship existed between the parties at all relevant times through December 3, 1999, and the claimant earned sufficient wages to entitle him to the maximum applicable compensation rates of

\$375.00 per week for temporary total disability and \$281.00 per week for permanent partial disability.

3. The claimant sustained bi-lateral upper extremity injuries as a result of his repetitive work for Choctaw, Inc., which culminated in his disability beginning December 3, 1999.
4. The healing period for claimant's bi-lateral upper extremity injuries ended on March 8, 2002. The respondent has paid all appropriate temporary total disability to which the claimant is entitled, to date.
5. As a result of claimant's compensable injuries, he sustained a twenty-four percent (24%) impairment to the right upper extremity, as well as an overall thirty-one (31%) impairment to the left upper extremity which the respondent accepted and was in the process of paying at the time of the within hearing.
6. The claimant has failed to prove, by a preponderance of the credible evidence, that he was permanently totally disabled as the result of his bi-lateral upper extremity injuries.
7. The respondent remains responsible for all hospital, medical and related treatment for claimant's compensable injuries.
8. The respondent has previously controverted this claim for purposes of attorney's fees.

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

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.