

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E713706

HARRY L. TUCKER,
EMPLOYEE

CLAIMANT

CITY OF HOT SPRINGS,
EMPLOYER

RESPONDENT

ARKANSAS MUNICIPAL LEAGUE
WORKERS' COMPENSATION TRUST,
BENEFITS ADMINISTRATOR

RESPONDENT

OPINION FILED AUGUST 21, 2003

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

Claimant represented by HONORABLE RICHARD S. MUSE, Attorney
at Law, Hot Springs, Arkansas.

Respondents represented by HONORABLE J. CHRIS BRADLEY,
Attorney at Law, North Little Rock, 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 December 11, 2002.

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

1. The Arkansas Workers' Compensation
Commission has jurisdiction of the
parties and subject matter of this
claim.

2. Pursuant to the stipulations of the parties and the record, the employment relationship existed from August 13, 1985, to March 7, 1997, when the claimant retired; the claimant's average weekly wage was \$399.17; and the claimant first filed a Form AR-C on November 14, 1997.
3. The preponderance of the evidence fails to show that the claimant suffered a compensable injury or compensable occupational disease, arising out of and in the course of his employment, within the meaning to the Act.
4. The preponderance of the evidence fails to show that the claim is barred by the statute of limitations.

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

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decision of the Administrative Law Judge filed December 11, 2002, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

JOE E. YATES, Commissioner

Commissioner Turner dissents.