

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F003676

HEATH SIMMONS, EMPLOYEE	CLAIMANT
FARM CAT, INC., EMPLOYER	RESPONDENT NO. 1
AIG CLAIM SERVICES, INSURANCE CARRIER	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2

OPINION FILED AUGUST 18, 2003

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

Claimant represented by HONORABLE J. W. GREEN, JR., Attorney  
at Law, Stuttgart, Arkansas.

Respondents No. 1 represented by HONORABLE FRANK B. NEWELL,  
Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE DAVID L. PAKE,  
Attorney at Law, 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 12, 2002.

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

1. The Workers' Compensation Commission has jurisdiction of this claim in which the relationship of employee-employer-carrier existed between the claimant and Respondent No. 1 at which time the claimant sustained a compensable back injury on March 15, 2000, at a compensation rate of \$394.00/\$296.00. Medical Expenses, temporary total disability benefits, and a 1% anatomical impairment rating have been paid.
2. Respondent No. 1 has paid all appropriate benefits. Dr. Jordan's rating does not conform to AMA Guidelines and the claimant's impairment is limited to the 1% assessed by Dr. Schlesinger.
3. After reviewing the claimant's age, education, work experience, negligible impairment rating, FCE results, pre-existing condition, and motivation, I find that he has failed to prove that he has sustained any wage loss as a result of the last compensable injury.
4. Respondent No. 2, the Second Injury Fund, is hereby dismissed as a party to this claim.

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 December 12, 2002, and this claim is denied and dismissed.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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JOE E. YATES, Commissioner

Commissioner Turner dissents.