

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F200238

SUSAN LOUISE SHEELEY, EMPLOYEE

CLAIMANT

TYSON FOODS, INC.,
SELF-INSURED EMPLOYER

RESPONDENT

OPINION FILED OCTOBER 7, 2003

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

Claimant represented by HONORABLE KEITH BLYTHE, Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE SHANNON FANT, Attorney at Law, Fayetteville, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals from a decision of the Administrative Law Judge filed February 12, 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, the relationship of employee-self insured employer existed between the parties.
3. On all relevant dates, the claimant earned wages sufficient to entitle

her to weekly compensation benefits of \$187.00 for total disability and \$154.00 for permanent partial disability, should such benefits have been appropriate.

4. The claimant has failed to prove by the greater weight of the credible evidence that she sustained a "compensable injury" to her right knee, while in the employ of this respondent. Specifically, she has failed to prove by the greater weight of the credible evidence the occurrence of a physical injury to her right knee that arose out of and occurred in the course of her employment and was caused by either a specific incident or "rapid repetitive motion".
5. The respondent has denied the occurrence of any compensable injury to the claimant's right knee and have controverted this claim in its entirety.

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

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on appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.