

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F201499

NEVADA SUTTON, EMPLOYEE	CLAIMANT
WAL-MART, EMPLOYER	RESPONDENT
CLAIMS MANAGEMENT, INC., INSURANCE CARRIER	RESPONDENT

OPINION FILED AUGUST 7, 2003

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

Claimant represented by HONORABLE TOM THOMPSON, Attorney at Law, Batesville, Arkansas.

Respondent represented by HONORABLE PATRICK SPIVEY, 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 March 11, 2003.

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

1. That the Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. That the stipulations agreed to by the parties at the pre-hearing conference conducted on September 19, 2002, and contained in a pre-hearing order filed September 19, 2002, as well as those at the hearing herein, are hereby accepted as fact.

3. That Claimant has failed to prove by a preponderance of the evidence that she was performing employment services at the time she fell in the dairy cooler on January 19, 2002; specifically, the Claimant has not proven that at the time of her alleged injury she "was carrying out the employer's purpose or advancing the employer's interest directly or indirectly."

4. That the Claimant has failed to prove by a preponderance of the evidence that she sustained a compensable specific incident injury to her left knee, or any aggravation of any pre-existing knee condition, on January 19, 2002; specifically, Claimant has failed to prove that she sustained any knee injury or aggravation of any pre-existing condition with medical evidence supported by objective findings establishing the injury or aggravation, and that said arose out of and in the course of her employment, and was caused by a specific incident and is identified by time and place of occurrence; additionally, the Claimant has failed to establish causation by a preponderance of either the objective medical evidence, expert medical opinion, or the non-medical evidence in the record, and there are no objective findings or any new or acute knee injury having been sustained by Claimant on January 19, 2002.

5. That the Claimant's claim is hereby respectfully denied and dismissed 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 on appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

JOE E. YATES, Commissioner

Commission Turner dissents.