

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F204028

MYRON T. SMITH,
EMPLOYEE

CLAIMANT

RONNIE DOWDY, INC.,
EMPLOYER

RESPONDENT

CROCKETT ADJUSTMENT,
INSURANCE CARRIER

RESPONDENT

OPINION FILED NOVEMBER 10, 2003

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

Claimant appeared PRO SE.

Respondents represented by HONORABLE BILL H. WALMSLEY,
Attorney at Law, Batesville, 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 April 9, 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 December

19, 2002, as well as those at the hearing herein, are hereby accepted as fact.

3. That the Claimant has failed to prove by a preponderance of the evidence that he sustained a compensable hernia injury pursuant to Ark. Code Ann. § 11-9-523; specifically, I find that the Claimant has failed to prove that any pain that he sustained as a result of any such slip and fall on March 31, 2002, caused him to cease work immediately; that no notice of said alleged injury was given within 48 hours of the occurrence of any such event; and that Claimant did not seek treatment from a licensed physician within (sic) 72 hours of the occurrence of any such event.
4. That the Claimant has failed to prove by a preponderance of the credible evidence that he sustained any compensable injury on or about March 31, 2002; specifically, I find that the Claimant has failed to prove that he sustained any injury on or about March 31, 2002, identified by time and place of occurrence, and that any such injury arose out of and in the course of the employment; 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 of any acute injury having been sustained by Claimant on or about March 31, 2002.

5. That the Claimant has failed to prove by a preponderance of the evidence that he sustained a compensable heart condition or any such injury to his heart pursuant to Ark. Code Ann. § 11-9-114; specifically, I find that the Claimant has failed to prove that any alleged work accident was the major cause of any physical harm experienced by him, or that any employment related activities require any exertion which was extraordinary or unusual; I further find that, in light of the determination hereinabove that Claimant has failed to prove any compensable event on or about March 31, 2002, that there is no nature and direct consequence of any such non-event.
6. That the Claimant's claim is hereby respectfully denied and dismissed in its entirety.

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

Smith - F204028

4

Full Commission. Accordingly, we affirm and adopt the decision of the Administrative Law Judge filed April 9, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.