

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F108434

HERBERT L. CARLISLE, JR., EMPLOYEE	CLAIMANT
WATKINS MOTOR LINES, INC., EMPLOYER	RESPONDENT
LIBERTY INSURANCE CORPORATION, INSURANCE CARRIER	RESPONDENT

OPINION FILED JULY 6, 2004

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

Claimant represented by HONORABLE JOE M. ROGERS, Attorney at  
Law, West Memphis, Arkansas.

Respondents represented by HONORABLE DAVID C. JONES,  
Attorney at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and  
adopted.

OPINION AND ORDER

The claimant appeals from a decision of the  
Administrative Law Judge filed August 19, 2003. The  
Administrative Law Judge entered the following findings of  
fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission  
has jurisdiction over this claim.
2. The employee-employer-carrier relationship  
existed at all relevant times through, and  
including, July 12, 2001, at which time  
claimant earned sufficient wages to entitle  
him to the maximum compensation rates of

\$410.00 per week for temporary total disability and \$308.00 per week for permanent partial disability.

3. The claimant has failed to prove, by a preponderance of the evidence, that he sustained an (sic) gradual onset, bi-lateral carpal tunnel syndrome which arose out of and during the course of his employment with Watkins Motor Lines, Inc.
4. The claimant has failed to prove, by a preponderance of the evidence, that he sustained a cervical injury which arose out of and during the course of his employment with Watkins Motor Lines, Inc., as the result of a specific incident on July 12, 2001.
5. The claimant has failed to establish, by the greater weight of evidence, that his physical problems need for treatment, and disability were directly and causally related to his employment with Watkins Motor Lines, Inc.
6. Respondents 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 on appeal.

IT IS SO ORDERED.

---

OLAN W. REEVES, Chairman

---

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.

DISSENTING OPINION

\_\_\_\_\_ I must respectfully dissent from the opinion of the majority finding that claimant is not entitled to benefits for gradual onset bilateral carpal tunnel syndrome or for a specific incident injury to his cervical spine.

Claimant began working for the employer as a truck driver in 1990. His job duties involved the extensive use of both upper extremities to steer the vehicle and shift gears, as well as loading and unloading freight. In the early part of 2001, claimant began to experience pain, numbness, tingling, and other symptoms in his upper extremities. There is insufficient evidence that claimant participated in any nonwork-related activities of a hand-intensive nature.

Additionally, claimant credibly testified that while he was maneuvering a pallet jack on July 12, 2001, he felt a pulling sensation and sharp pain in his neck and upper extremities. These symptoms scared claimant because he thought he was having another heart attack like he had in the past. Claimant also thought his symptoms might have been simply a continuation of his recent difficulties with the upper extremities as a result of performing his regular job duties. He certainly did not realize that he had herniated a cervical disk while pulling on the pallet jack.

Based on claimant's credible testimony concerning the hand-intensive nature of his job duties and the specific incident in July 2001, plus the lack of any other reasonable explanation for his bilateral carpal tunnel syndrome and herniated cervical disk, I find that claimant has proven by a preponderance of the evidence that he is entitled to compensation. Accordingly, the opinion of the Administrative Law Judge should be reversed.

---

SHELBY W. TURNER, Commissioner