

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F307184

NANCY ANDREASEN,
EMPLOYEE

CLAIMANT

PINNACLE COUNTRY CLUB,
EMPLOYER

RESPONDENT NO. 1

CINCINNATI INSURANCE COMPANY,
INSURANCE CARRIER

RESPONDENT NO. 1

SAFECO/AMERICAN

RESPONDENT NO. 2

OPINION FILED AUGUST 17, 2004

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

Claimant represented by HONORABLE JAY TOLLEY, Attorney at
Law, Fayetteville, Arkansas.

Respondents No. 1 represented by HONORABLE WILLIAM FRYE,
Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE GUY WADE, 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 January 22, 2004.

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, between October 1, 2002 and March 21, 2003, the relationship of employee-employer-carrier existed between the claimant, Pinnacle Country Club, and Cincinnati Insurance Company.
3. On all relevant dates, during the period of March of 2002 through September of 2002, the relationship of employee-employer-carrier existed between the claimant with Pinnacle Country Club, and Safeco/American States Insurance Company.
4. The appropriate weekly compensation rates for any compensable injury, which occurred while Cincinnati Insurance Company provided workers' compensation coverage is \$186.00 for total disability and \$154.00 for permanent partial disability. The appropriate weekly compensation rates for any compensable injury, which occurred while Safeco/American States Insurance Company provided workers' compensation coverage is \$175.00 for total disability and \$154.00 for permanent partial disability.
5. The claimant has failed to prove by the greater weight of the credible evidence that she sustained a "compensable injury" to her right arm or shoulder within the meaning of Ark. Code Ann. § 11-9-102(4)(A)(ii)(a), during her period of employment with Pinnacle County Club. Specifically, the claimant has failed to prove the occurrence of any physical injury to this portion of her body that was caused by "rapid repetitive motion."

6. All the respondents have denied the occurrence of any compensable injury to the claimant's right shoulder or arm, and have controverted this claim 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 Full Commission. Accordingly, we affirm and adopt the decision of the Administrative Law Judge filed January 22, 2004, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.