

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F308353

RICHARD A. DEER, EMPLOYEE	CLAIMANT
CITY OF PRESCOTT, EMPLOYER	RESPONDENT
MUNICIPAL LEAGUE WC TRUST, CARRIER	RESPONDENT

OPINION FILED NOVEMBER 5, 2004

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

Claimant represented by HONORABLE GREGORY R. GILES, Attorney at Law, Texarkana, Arkansas.

Respondent represented by HONORABLE J. CHRIS BRADLEY, 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 17, 2004.

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 stipulations agreed to by the parties and set forth above are hereby accepted as fact.

3. The respondents controverted this claim in its entirety.

4. The claimant failed to prove by a preponderance of the evidence that suitable employment was available with the City of Prescott.

5. I find that the claimant failed to prove by a preponderance of the evidence the elements necessary to establish his entitlement to enhanced benefits under Ark. Code Anno. (sic) §11-9-505(a).

6. The respondents have controverted the claimant's entitlement to enhanced benefits under Ark. Code Anno. (sic) §11-9-505(a).

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.