

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F302121

PHILLIP GARTON,
EMPLOYEE

CLAIMANT

USA TRUCK, INC.,
SELF-INSURED EMPLOYER

RESPONDENT

OPINION FILED SEPTEMBER 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 represented by HONORABLE J. RODNEY MILLS,
Attorney at Law, Fort Smith, 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 February 11, 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 February 17, 2003, the
relationship of employee-employer-
carrier existed between the
parties.

3. On February 17, 2003, the claimant sustained a compensable injury to his right knee.
4. Medical services have been paid to June 10, 2003.
5. Temporary total disability benefits have been paid to April 17, 2003.
6. The claimant has failed to prove his entitlement to additional medical treatment for his right knee strain.
7. The claimant has failed to prove by a preponderance of the evidence that he is entitled to additional temporary total disability from April 17, 2003 to a date to be determined.

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

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decision of the Administrative Law Judge filed February 11, 2004, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. McKINNEY, Commissioner

Commissioner Turner dissents.