

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F304394

DANIEL GRADY,
EMPLOYEE

CLAIMANT

RICELAND FOODS, INC.,
EMPLOYER

RESPONDENT #1

LIBERTY MUTUAL FIRE INSURANCE COMPANY,
INSURANCE CARRIER

RESPONDENT #1

SECOND INJURY FUND

RESPONDENT #2

OPINION FILED SEPTEMBER 17, 2004

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

Claimant represented by HONORABLE JOHN C. BARTTELT, Attorney
at Law, Jonesboro, Arkansas.

Respondents No. 1 represented by HONORABLE MARK A. MAYFIELD,
Attorney at Law, Jonesboro, Arkansas.

Respondent No. 2 did not participate.

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 November 7, 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 stipulations agreed to by the parties are hereby accepted as fact.
3. The claimant has failed to prove, by a preponderance of the credible evidence, that he sustained either a low back injury or a cervical injury as the result of the admitted accident on October 10, 2001.
4. The claimant has failed to prove, by a preponderance of the evidence, that his current complaints, need for treatment, and disability, if any, are in any way causally related to the admitted injury of October 10, 2001.
5. In the event claimant sustained either a lumbar or cervical injury on October 10, 2001, which is not conceded herein, nevertheless, any such injury was merely a temporary aggravation of a pre-existing condition for which respondents paid appropriate, reasonably necessary medical treatment.
6. The claimant has failed to prove, by the greater weight of the evidence, that he is entitled to additional workers' compensation benefits.

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 November 7, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. McKINNEY, Commissioner

Commissioner Turner dissents.