

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F110726

GENE KING,
EMPLOYEE

CLAIMANT

ENSCO, INC.,
EMPLOYER

RESPONDENT

AIG CLAIMS SERVICES, INC.,
INSURANCE CARRIER

RESPONDENT

OPINION FILED MARCH 3, 2004

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

Claimant represented by HONORABLE GARY DAVIS, Attorney at
Law, Little Rock, Arkansas.

Respondents represented by HONORABLE CAROL WORLEY, 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 September 3, 2003.

The Administrative Law Judge entered the following
findings of fact and conclusions of law:

1. The stipulations agreed to by the parties at the prehearing telephone conference conducted on May 19, 2003, and contained in the Prehearing Order filed on that same date are hereby accepted as fact.

2. Claimant did not report a work-related incident or claim a work-related exposure when he first became ill.
3. The first report of claimant being exposed to chemicals at work appears in Dr. Richard Dietzen's June 19, 2001 medical report in which the claimant requested a letter from Dr. Dietzen for his professional opinion regarding the cause of claimant's illness.
4. Claimant has failed to prove by a preponderance of the evidence that he sustained an inhalation injury on March 25, 2001.

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 September 3, 2003, and this claim is denied and dismissed.

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IT IS SO ORDERED.

OLAN W. REEVES, Chairman

MIKE WILSON, Special Commissioner

Commissioner Turner dissents.