

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F208949

KAREN KVAMSO, EMPLOYEE	CLAIMANT
BEVERLY HEALTHCARE, EMPLOYER	RESPONDENT
CONSTITUTION STATE SERVICES, THIRD PARTY ADMINISTRATOR	RESPONDENT

OPINION FILED JANUARY 6, 2004

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

Claimant represented by HONORABLE STEPHEN SHARUM, Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE J. GREGORY MAGNESS, Attorney at Law, Fort Smith, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals from a decision of the Administrative Law Judge filed June 30, 2003.

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 May 9, 2001, the relationship of employee-self insured employer-third party administrator existed between the parties.

3. On May 9, 2001, the claimant earned wages sufficient to entitle her to weekly compensation benefits of \$248.00 for total disability and \$186.00 for permanent partial disability, should such benefits have been appropriate.
4. The claimant has failed to prove by the greater weight of the evidence that she sustained a "compensable injury" to her lumbar spine on May 9, 2001. Specifically, she has failed to prove by the greater weight of the credible evidence the occurrence of any physical injury to her lumbar spine that arose out of and occurred in the course of her employment with the respondent on that date and that was caused by specific incident.
5. The respondent has denied the occurrence of any compensable injury to the claimant's lumbar spine on May 9, 2001 and have controverted this claim in its entirety.

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.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.