

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F009221/E021923

BARBARA A. MILLER,  
EMPLOYEE

CLAIMANT

GEORGIA-PACIFIC CORPORATION,  
SELF-INSURED EMPLOYER

RESPONDENT NO. 1

SECOND INJURY FUND,  
INSURANCE CARRIER

RESPONDENT NO. 2

OPINION FILED FEBRUARY 18, 2004

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

Claimant represented by HONORABLE BILLY J. HUBBELL, Attorney  
at Law, Crossett, Arkansas.

Respondent No. 1 represented by HONORABLE MARK A. PEOPLES,  
Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE JUDY W. RUDD,  
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 April 1, 2003.

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

1. The employee, self-insured employer  
relationship existed at all  
relevant times.

2. The claimant sustained a compensable injury to her low back in 1990. That injury was accepted as compensable by the respondent/employer. The claimant received an 11% impairment rating to the whole body for that injury. The claimant received an additional 10% permanent impairment rating to the whole body in December 2000, and was released to return to work with restrictions. Respondents paid the additional 10% impairment rating, based on, according to the respondents, the continuation of the 1990 compensable injury. The respondent paid a 5% wage loss disability for the 1990 injury, for a total of 22.5 weeks at \$169.59 per week, a total of \$3,815.78.
3. The claimant reached maximum medical improvement on March 5, 2001.
4. The preponderance of the evidence reflects that the claimant has not sustained her burden of proving that she sustained a compensable low back injury on May 10, 1998.
5. The preponderance of the evidence reflects that the claimant is not entitled to wage loss benefits over and above the 5% wage loss accepted and paid for the claimant's 1990 back injury.
6. The other issues raised in this case are moot.

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 April 1, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.