

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F211113

ROGER MEELER,  
EMPLOYEE

CLAIMANT

RELIANCE WELL SERVICE,  
EMPLOYER

RESPONDENT

LIBERTY MUTUAL INSURANCE CO.,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED FEBRUARY 5, 2004

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

Claimant represented by HONORABLE MATTHEW SHEPHERD and F.  
MATTISON THOMAS, III, Attorneys at Law, El Dorado, Arkansas.

Respondents represented by HONORABLE MIKE RYBURN, Attorney  
at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and  
adopted.

OPINION AND ORDER

The claimant appeals from a decision of the  
Administrative Law Judge filed August 5, 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 April 14, 2003, and contained in the  
Prehearing Order filed that same date, are  
hereby accepted as fact.

2. Claimant earned sufficient wages to entitle the claimant to the maximum compensation rate should his claim be compensable.
3. Claimant has failed to prove by a preponderance of the evidence that he sustained a specific incident injury on August 22, 2001.

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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MIKE WILSON, Special Commissioner

Commissioner Turner dissents.

DISSENTING OPINION

\_\_\_\_\_ I must respectfully dissent from the opinion of the majority finding that claimant failed to prove by a preponderance of the evidence that he sustained a compensable lower back injury. Based on claimant's credible testimony concerning the onset and progression of his lower back difficulties and the absence of any reasonable nonwork-related explanation for his lumbar condition, I find that claimant has met his burden of proof and, accordingly, the opinion of the Administrative Law Judge should be reversed.

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SHELBY W. TURNER, Commissioner