

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. E616134, F114035, F114036

TERRY A. NEWBERRY, EMPLOYEE	CLAIMANT
KELCRO, INC. (DBA PARK HILL EXXON) MOORE ROBINSON, INC., EMPLOYER	RESPONDENT
UNION STANDARD INSURANCE CO, CARRIER	RESPONDENT

OPINION FILED JUNE 10, 2004

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

Claimant, MR. TERRY ALLEN NEWBERRY, appears pro se.

Respondent No. 1 represented by HONORABLE MICHAEL RYBURN, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by WILLIAM C. FRYE, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals from a decision of the Administrative Law Judge filed February 27, 2004.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of the parties and subject matter of this claim.
2. Pursuant to the stipulations of the parties and the record, the employment relationship existed at all pertinent times, including June 20, 2001, and December 10,

2001; his average weekly wage was \$421.80 on June 20, 2001, and \$396.98 on December 20 [sic], 2001; that the claimant suffered a compensable chest injury December 10, 2001; and that the incident of June 20, 2001, was not accepted as compensable by the respondents.

3. The preponderance of the evidence fails to show that the claimant sustained a compensable low back injury, within the meaning of the Act, arising out of and in the course of this employment.

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.

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IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.