

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F212229

LUIS NOVILLO,
EMPLOYEE

CLAIMANT

SMURFIT-STONE CONTAINER CORPORATION,
SELF-INSURED EMPLOYER

RESPONDENT

CRAWFORD & COMPANY,
THIRD PARTY ADMINISTRATOR

RESPONDENT

OPINION FILED APRIL 6, 2004

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

Claimant represented by HONORABLE JAY TOLLEY, Attorney at
Law, Fayetteville, Arkansas.

Respondents represented by HONORABLE LES EVITTS III,
Attorney at Law, Fort Smith, 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 October 14, 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 all relevant dates, including May 2, 2002
and July 3, 2002, the relationship of
employee-self insured employer-third party
administrator existed between the parties.

3. On all relevant dates, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$326.00 for total disability and \$245.00 for permanent partial disability, should such benefits have been appropriate.
4. The claimant has failed to prove by the greater weight of the credible evidence that he sustained a "compensable injury" to his right elbow on May 2, 2002 and/or July 3, 2002. Specifically, he has failed to prove by the greater weight of the credible evidence the occurrence of a physical injury to this portion of his body which is established by medical evidence and supported by objective findings, which arose out of and occurred in the course of this employment, which was caused by a specific incident, and which is identifiable by time and place of occurrence.
5. The respondents have denied the occurrence of any compensable injury to the claimant's right elbow and/or forearm and have controverted his entitlement to any and all benefits attributable thereto.

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.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.