

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F301880

GEORGE W. MANN,
EMPLOYEE

CLAIMANT

DAY & NITE CLEANERS,
EMPLOYER

RESPONDENT

WESTPORT INSURANCE CORPORATION,
INSURANCE CARRIER

RESPONDENT

OPINION FILED AUGUST 17, 2004

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

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

Respondents represented by HONORABLE CAROL WORLEY, 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 January 12, 2004. 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 November 15,
2002, the relationship of employee-employer-
carrier existed between the parties.

3. On all relevant dates, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$197.00 for total disability and \$154.00 for permanent partial disability, should such benefits have been appropriate.
4. The claimant has failed to prove that he sustained a "compensable injury," as that term is defined by Ark. Code Ann. § 11-9-102(4)(A)(i), to his low back or lumbar spine on November 15, 2002, or any other date. Specifically, the claimant has failed to prove by the greater weight of the credible evidence the occurrence of any physical injury to his low back or lumbar spine that arose out of and occurred in the course of his employment with this respondent, that was caused by a specific incident, and that is identifiable by time and place of occurrence.
5. The respondents have denied the occurrence of any compensable injury to the claimant's low back or lumbar spine 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

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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.