

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F400576

JOHN POLLARD, EMPLOYEE	CLAIMANT
CITY OF SILOAM SPRINGS, EMPLOYER	RESPONDENT
MUNICIPAL LEAGUE WC TRUST, CARRIER	RESPONDENT

OPINION FILED DECEMBER 9, 2004

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

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

Respondent represented by HONORABLE J. CHRIS BRADLEY, 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 July 9, 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 February 3, 2003, the relationship of employee-self insured employer-third party administrator existed between the parties.

3. On February 3, 2003, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$307.00 for total disability and \$230.00 for permanent partial disability, should such benefits have been appropriate.

4. On February 3, 2003, the claimant sustained compensable injuries to his left elbow and head. All appropriate benefits for these compensable injuries has been or are being paid.

5. The claimant has failed to prove by the greater weight of the credible evidence that he also sustained a "compensable injury" to his lower back or lumbar spine on February 3, 2003. Specifically, he has failed to prove by the greater weight of the credible evidence that, on that date, he experienced a physical injury to his back or lumbar spine that is supported by "objective findings." He has also failed to prove by the greater weight of the credible evidence that his subsequently medically established and objectively documented lumbar defects in the form of degenerative disc changes at L4-5 and L5-S1, represent a physical injury that arose out of and occurred in the course of his employment, that was caused by a specific incident, and that is identifiable by time and place of occurrence.

6. The respondents have denied the occurrence of any "compensable injury"

to the claimant's back or lumbar spine on February 3, 2003, and have controverted his entitlement to any 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.