

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F000821

RICHARD SIMBACH,
EMPLOYEE

CLAIMANT

HARRISON DAVIS CONSTRUCTION CO.,
EMPLOYER

RESPONDENT

AMERICA FIRST C/O CUNNINGHAM LINDSEY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED FEBRUARY 27, 2004

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

Claimant appeared PRO SE.

Respondents represented by HONORABLE CURTIS L. NEBBEN,
Attorney at Law, Fayetteville, 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 28, 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 pre-hearing conference conducted on May
21, 2003, and contained in a pre-hearing
order filed that same date, are hereby
accepted as fact.
2. Claimant has failed to prove by a
preponderance of the evidence that he

suffered a compensable injury to his back while employed by the respondent.

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.