

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F113705

CLARENCE TAYLOR, EMPLOYEE	CLAIMANT
B & B DISPOSAL, EMPLOYER	RESPONDENT
ZENITH INSURANCE, CARRIER	RESPONDENT

OPINION FILED JULY 7, 2004

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

Claimant represented by HONORABLE CHARLES P. ALLEN, JR., Attorney at Law, West Helena, Arkansas.

Respondent represented by HONORABLE AMY HUFFMAN, 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 October 14, 2003.

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

1. The Workers' Compensation Commission has jurisdiction of this claim in which the relationship of the employee-employer-carrier relationship existed among the parties on November 14, 2001 at which time the claimant sustained compensable injuries in a MVA at a compensation rate of \$288.00/\$216.00. Medical

expenses, temporary total disability (until August 15, 2002) and a 2% rating for a left knee injury have been paid.

2. The claimant has failed to prove by a preponderance of the credible evidence that he sustained a compensable injury, caused by a specific incident, arising out of and in the course of his employment which produced physical bodily harm, supported by objective findings, requiring medical treatment or producing disability, pursuant to Ark. Code Ann. § 11-9-102.

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.

DISSENTING OPINION

_____ I respectfully dissent from the Majority opinion. I find that Claimant credibly testified that his right shoulder pain began after the work-related accident and that the pain is causally related to that accident. As such, I find that Claimant's injury is compensable and that he is entitled to the requested benefits.

SHELBY W. TURNER, Commissioner