

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F114122

DANNY TIMMS,
EMPLOYEE

CLAIMANT

SYSTEMS CONTRACTING CORP.,
EMPLOYER

RESPONDENT

INTEGRATED CLAIMS MANAGEMENT,
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED JANUARY 13, 2004

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

Claimant represented by the HONORABLE BILL E. ROSS, Attorney
at Law, Blytheville, Arkansas.

Respondents represented by the HONORABLE RICHARD A. LUSBY,
Attorney at Law, Jonesboro, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals and Respondents cross appeal an
opinion and order of the Administrative Law Judge filed May
29, 2003. In said order, the Administrative Law Judge made
the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation
Commission has jurisdiction over this claim.
2. The stipulations agreed to by the
parties, and contained in the Prehearing
Order are hereby accepted as fact.

3. The claimant has proven, by a preponderance of the credible evidence, that the use of illegal drugs did not substantially cause the accident or injury on December 5, 2001. Rather, a preponderance of the credible evidence reflects that the claimant's accident and resulting injury was the result of slipping on a wet floor at the workplace and falling, at which time he fractured his left leg.

4. The claimant has failed to prove, by a preponderance of the evidence, that his injury arose out of his employment. Specifically, the claimant has failed to prove, by a preponderance of the evidence, that he was performing employment services at the time the injury occurred.

5. Respondents 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 made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the May 28, 2003 decision of the Administrative Law Judge, including all findings of fact and

conclusions of law therein, and adopt the opinion as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.