

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F203574

EDSEL WILLIAMS, EMPLOYEE	CLAIMANT
SGL CARBON, EMPLOYER	RESPONDENT
LUMBERMEN'S MUTUAL, INSURANCE CARRIER	RESPONDENT

OPINION FILED FEBRUARY 10, 2004

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

Claimant represented by HONORABLE EDDIE WALKER, JR., Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE DIANE GRAHAM, Attorney at Law, Fort Smith, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals from a decision of the Administrative Law Judge filed June 27, 2003.

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 March 11, 2002, the relationship of employee-employer-carrier relationship existed between the parties.
3. On March 11, 2002, the claimant earned wages sufficient to entitle him to weekly

compensation benefits of \$376.00 for total disability and \$282.00 for permanent partial disability, should such benefits have been appropriate.

4. The claimant has failed to prove by the greater weight of the credible evidence that on March 11, 2002, he sustained a "compensable injury" to his back, as that term is defined by Ark. Code Ann. § 11-9-102(4).
5. Although the respondents initially provided some benefits in this claim, they have subsequently 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 conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.

Dissenting Opinion

I must respectfully dissent from the opinion of the majority finding that Claimant failed to prove by a preponderance of the evidence that he sustained a compensable back injury.

I find that Claimant credibly testified that he injured himself while securing a roll of steel on March 11, 2002, and that Claimant has met his burden of proof. Accordingly, the opinion of the Administrative Law Judge should be reversed.

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SHELBY W. TURNER, Commissioner