

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F205746

DENNIS YATES, EMPLOYEE	CLAIMANT
LOGOWORKS, INC., EMPLOYER	RESPONDENT NO. 1
ZURICH AMERICAN INS. CO., INSURANCE CARRIER	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2

OPINION FILED JANUARY 9, 2004

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

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

Respondents No. 1 represented by HONORABLE DAVID JONES,  
Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE TERRY PENCE,  
Attorney at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and  
Adopted.

OPINION AND ORDER

This case comes on for review by the Full  
Commission on appeal by claimant from an opinion filed  
herein by an Administrative Law Judge on May 9, 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. The relationship of employee-employer-carrier existed between the parties on April 1, 2002.
3. Claimant began working for the respondent on March 14, 2002.
4. Respondents controvert this claim in its entirety.
5. The claimant is entitled to a compensation rate of \$200.00 for temporary total disability and \$154.00 for permanent partial disability.
6. The claimant has failed to prove by a preponderance of the evidence that his neck problems are a result of rapid and repetitive work for the respondent.
7. The claimant has also failed to prove by a preponderance of the evidence that he sustained a sudden onset injury while working for the respondent.

In this case, we have reviewed the record de novo, weighing the evidence impartially and without giving the benefit of the doubt to either party. Ark. Code Ann. § 11-9-704(c) and Fowler v. McHenry, 22 Ark. App. 196, 737 S.W.2d 663 (1987). It is our opinion that the decision of the Administrative Law Judge is correct 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. Accordingly, we affirm and adopt the decision of the Administrative Law Judge filed May 9, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

---

OLAN W. REEVES, Chairman

---

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.