

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F210326

RUTH WILKINSON,
EMPLOYEE

CLAIMANT

HARP'S FOOD STORES, INC.,
EMPLOYER

RESPONDENT

CANNON COCHRAN MANAGEMENT SRVICES,
INSURANCE CARRIER

RESPONDENT

OPINION FILED SEPTEMBER 16, 2004

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

Claimant represented by HONORABLE CHARLES E. DAVIS, Attorney
at Law, Springdale, Arkansas.

Respondents represented by HONORABLE MICHAEL E. RYBURN,
Attorney at Law, Little Rock, 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 January 13, 2004. 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
7, 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 she

suffered a compensable injury while employed by 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.

DISSENTING OPINION

_____ I dissent from the Majority opinion finding that Claimant failed to prove by preponderance of the evidence

that she suffered a compensable injury. I find that Claimant's injury is compensable.

Claimant worked in Respondent's bakery and deli department, which required her to clean equipment using cleaning products provided by Respondent. Claimant was not provided protective gloves or advised to wear gloves. She developed a rash and itching on her arms after her first day of work and use of the cleaning agents. This rash progressively worsened with each day that Claimant used the cleaning products and eventually spread to her neck, chest, scalp, shoulder, eyelids and both arms and forearms. Ultimately, several treating physicians, including doctors at the Mayo Clinic, diagnosed Claimant with skin disorders including dermatitis, chronic dermatitis and chemical burn.

It has long been recognized that a causal relationship may be established between an employment-related incident and a subsequent physical injury upon a showing that the injury manifested itself within a reasonable period of time following the incident, is logically attributable to the incident, and there is not other reasonable explanation for the injury. Hall v. Pittman Construction Co., 235 Ark. 104, 357 S.W.2d 263 (1962).

Claimant's rash manifested within hours after she first used the cleaning agents during her employment with Respondent. The rash continued to worsen as Claimant continued to use the cleaning products. I, therefore, find that Claimant's physical condition is causally related to her exposure to cleaning agents through her employment with Respondent.

For these reasons, I find that the Administrative Law Judge's opinion should be reversed. Accordingly, I respectfully dissent.

SHELBY W. TURNER, Commissioner