

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F301302

FREDERICK D. WAALK, EMPLOYEE	CLAIMANT
CARSON & ASSOCIATES, INC., EMPLOYER	RESPONDENT
CRAWFORD & CO., INSURANCE CARRIER	RESPONDENT

OPINION FILED JULY 12, 2004

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

Claimant represented by HONORABLE JAMES W. STANLEY, Attorney
at Law, North Little Rock, Arkansas.

Respondents represented by HONORABLE DAVID JONES, 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 April 13, 2004. The
Administrative Law Judge entered the following findings of
fact and conclusions of law:

1. The Workers' Compensation Commission has jurisdiction of this claim. At the time of his injury on May 23, 2001 the claimant, a mechanic was employed as an independent contractor repairing a backhoe and truck for the respondent's general contracting and construction company.

2. The respondents are not liable to the claimant for payment of this claim as he was not their employee as defined by Ark. Code Ann. § 11-9-102.
3. The respondents are directed to pay court reporting fees and expenses to Ms. Linda Parker pursuant to Commission Rule 20.

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.