

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F305184

FRANK BIRD, EMPLOYEE	CLAIMANT
DUPRE TRANSPORT, EMPLOYER	RESPONDENT
ACE USA INSURANCE, CARRIER	RESPONDENT

**OPINION FILED NOVEMBER 21, 2005**

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

Claimant represented by HONORABLE JIM R. BURTON , Attorney at Law, Jonesboro, Arkansas.

Respondent represented by HONORABLE MARK MAYFIELD, Attorney at Law, Jonesboro, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

The claimant appeals from a decision of the Administrative Law Judge filed July 12, 2005.

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 May 7, 2003, the relationship of employee-employer-carrier existed among the parties.

3. On May 7, 2003, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$440.00/\$330.00, for temporary total/permanent partial disability.

4. On May 7, 2003, the claimant did not sustain injuries to his lumbar and cervical spine within the course and scope of his employment.

The claimant alleges that he sustained a compensable injury that is governed by the Arkansas Workers' Compensation Act, A.C.A. § 11-9-101 et seq. The claimant's alleged injury is, indeed, an injury that is covered by the Act; however, the claimant has failed to establish the elements necessary to prove a compensable injury by a preponderance of the evidence.

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.