

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E804869

TRUDY K. BOREN, EMPLOYEE	CLAIMANT
ST. ANTHONY'S HEALTHCARE CENTER, EMPLOYER	RESPONDENT
ALTERNATIVE INSURANCE MANAGEMENT SERVICE, CARRIER	RESPONDENT

OPINION FILED SEPTEMBER 27, 2005

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

Claimant represented by HONORABLE LAURA J. MCKINNON,
Attorney at Law, Fayetteville, Arkansas.

Respondent represented by HONORABLE WALTER A. MURRAY,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals from a decision of the
Administrative Law Judge filed September 16, 2004.

The Administrative Law Judge entered the following
findings of fact and conclusions of law:

1. The stipulations agreed upon by the parties is reasonable and is approved.
2. The employee-employer-carrier relationship existed at all relevant times.

3. Claimant did not sustain her burden of proving by a preponderance of the evidence that she suffered a compensable injury to her back on April 1, 1998. Specifically, I find that the record is devoid of any proof of objective findings as required by Ark. Code Ann. §11-9-102(4)(D).

4. Because Claimant failed to prove a compensable injury, it is not necessary to discuss her requests for medical benefits, temporary total disability benefits, and an attorney's fee.

5. Claimant's Exhibit #3 shall not be admitted into evidence. I specifically find that Respondents informed Claimant of their desire to cross-examine Dr. Charles Wells; Claimant did not make every effort to have Dr. Wells present for the hearing. Therefore, Claimant's Exhibit #3 consisting of Dr. Wells' medical records will not be considered in preparing this Opinion.

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.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.