

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F201760 & F303150

TONY G. ADKINS, SR., EMPLOYEE CLAIMANT

JONES HOME FURNISHINGS, EMPLOYER RESPONDENT

TRAVELERS INDEMNITY INSURANCE, CARRIER/TPA RESPONDENT NO. 1

AIGCS, INSURANCE CARRIER/TPA RESPONDENT NO. 2

OPINION FILED JUNE 3, 2005

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

Claimant represented by HONORABLE KRISTOFER E. RICHARDSON, Attorney at Law, Jonesboro, Arkansas.

Respondent No. 1 represented by HONORABLE PHILLIP CUFFMAN, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE CAROL L. WORLEY, 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 July 20, 2004.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction over these claims.

2. The stipulations of the parties are hereby accepted as fact.

3. The claimant has filed to prove, by a preponderance of the credible evidence, that he sustained compensable injuries arising out of and during the course of his employment with Jones Home Furnishings as the result of specific incidents identifiable in time and place of occurrence on either January 16, 2003, or March 1, 2003.

4. The claimant has failed to prove, by a preponderance of the credible evidence, that his physical problems and need for treatment beginning January 16, 2003, are the result of a recurrence of the February 5, 2002, admitted injury.

5. The claimant has failed to prove, by a preponderance of the credible evidence, that his physical problems and need for treatment beginning January 16, 2003, are directly and causally related to a work-related injury with the employer herein.

6. Even if the claimant could prove that his subsequent physical problems were directly and causally related to a work-related injury, he has failed to prove, by a preponderance of the credible evidence, that he is entitled to additional temporary total disability benefits.

7. Both respondents have controverted claimant's entitlement to additional workers compensation benefits.

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.