

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F310829

BECKY BOERNSON, EMPLOYEE CLAIMANT

ZAC BAC APPAREL, AN UNINSURED EMPLOYER RESPONDENT

OPINION FILED OCTOBER 14, 2005

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

Claimant represented by HONORABLE JASON HATFIELD, Attorney at Law, Fayetteville, Arkansas.

Respondent represented by HONORABLE JERRY D. PATTERSON, Attorney at Law, Marshall, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals from a decision of the Administrative Law Judge filed February 24, 2005.

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

1. The stipulations agreed upon by the parties are reasonable and are approved.
2. The employee-employer relationship existed on October 1, 2003, and at all other relevant times.
3. Claimant's average weekly wage was \$280.00.
4. Respondent controverts this claim in

its entirety.

5. Claimant did not sustain her burden of proving that her injury arose out of her employment. Her October 1, 2003 incident at work originated out of, or was caused by, her September 27, 2003 incident at home. This incident at home continued to affect Claimant until the time of her incident at work; Claimant did not initially report tripping on anything, but attributed her incident at work to "a catch in her back" stemming from her incident at home.

6. Claimant's fall was idiopathic in nature. Because of her September 27, 2003 incident at home, the fall was personal to Claimant. The record does not reflect that her employment conditions contributed to the risk or aggravated her injuries.

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

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.