

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F312031

MARK COLLUMS, EMPLOYEE	CLAIMANT
ALTECH, INC., EMPLOYER	RESPONDENT
LIBERTY MUTUAL INSURANCE COMPANY, CARRIER	RESPONDENT

OPINION FILED JUNE 30, 2005

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

Claimant represented by HONORABLE JOSEPH GRAHAM, Attorney at Law, Prescott, Arkansas.

Respondent represented by HONORABLE MICHAEL RYBURN, 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 November 17, 2004.

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 November 6, 2003, the relationship of employee-employer-carrier existed between the parties.

3. On November 6, 2003, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$320.00 for total disability and \$240.00 for permanent partial disability, should such benefits have been appropriate.

4. On November 6, 2003, the claimant experienced an injury to his right hand or thumb that resulted in the partial amputation of his thumb.

5. The claimant has failed to prove by the greater weight of the credible evidence that this injury constitutes a "compensable injury" within the meaning of the Act. Specifically, the greater weight of the evidence shows the presence of illegal drugs in his system, at the time of his injury. This fact gives rise to the rebuttable presumption that his injury was substantially occasioned by his use of these drugs, and the claimant has failed to present sufficient credible evidence to rebut this presumption.

6. The respondents have denied the occurrence of any "compensable injury" to the claimant's right hand and thumb and have controverted this claim in its entirety.

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.