

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F401636

TONY BURDINE,  
EMPLOYEE

CLAIMANT

TIM CURRY LOGGING, INC.,  
EMPLOYER

RESPONDENT

CAPITAL CITY INSURANCE COMPANY,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED JUNE 15, 2005

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

Claimant represented by the HONORABLE MATTHEW THOMAS,  
Attorney at Law, El Dorado, Arkansas.

Respondents represented by the HONORABLE CAROL LOCKARD  
WORLEY, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and  
Adopted.

## OPINION AND ORDER

Claimant appeals an opinion and order of the  
Administrative Law Judge filed October 28, 2004. In  
said order, the Administrative Law Judge made the  
following findings of fact and conclusions of law:

1. The employer/employee/carrier  
relationship existed on January 15, 2004.
2. The respondents have controverted this  
claim in its entirety.
3. The claimant's average weekly wage was

\$385.00 per week producing compensation rates of \$257.00 per week for temporary total disability and \$193.00 per week for permanent partial disability.

4. The claimant has failed to establish by a preponderance of the evidence that the objective findings of Dr. Daniels of a left knee lateral meniscus tear observed by MRI and during surgery are causally related to any injury allegedly sustained on January 15, 2004.

5. The claimant has failed to establish the existence of a left knee injury allegedly sustained on January 15, 2004 by medical evidence supported by objective findings.

6. The claimant has therefore failed to establish that he sustained a compensable left knee injury.

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.

Therefore we affirm and adopt the October 28, 2004 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.