

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F204091

LISA ESTABROOK,
EMPLOYEE

CLAIMANT

PILOT KNOW CEDAR WORKS,
EMPLOYER

RESPONDENT

CROCKETT ADJUSTMENT,
INSURANCE CARRIER

RESPONDENT

OPINION FILED APRIL 13, 2005

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

Claimant represented by HONORABLE FREDERICK S. "RICK"
SPENCER, Attorney at Law, Mountain Home, Arkansas.

Respondents represented by HONORABLE WENDY S. WOOD, Attorney
at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and
adopted.

OPINION AND ORDER

The claimant appeals from a decision of the
Administrative Law Judge filed July 22, 2004. The
Administrative Law Judge entered the following findings of
fact and conclusions of law:

1. The employee-employer-carrier relationship
existed at all relevant times.
2. The form contained on page 71 of Respondents'
Exhibit No. 1 should be, and hereby is,
excluded from the record for purposes of
deciding the remaining issues of this claim.

3. The forms contained on pages 72 and 73 of Respondents' Exhibit No. 1 are hereby accepted into the record, and have been considered in deciding the issues presented in this claim.
4. Mr. Spencer's comments beginning on the last line of page 27 of the hearing transcript and ending on line 7 of page 29 of the hearing transcript are excluded from the record for purposes of deciding the issues presented in this claim.
5. The testimony of Mark Starnes beginning on line 22 of page 109 and ending on line 25 of page 109 and the testimony of Wiley Jones beginning on line 15 of page 151 and ending on line 24 of page 151 are hereby excluded from the record and have not been considered in deciding the issues presented in this case.
6. The claimant has proven by a preponderance of the credible evidence that she was a "full-time" employee for purposes of determining her average weekly wage and compensation rate.
7. The claimant's present claim for an allegedly work related hernia sustained in September of 2000 is barred by the statute of limitations.
8. The claimant has failed to establish by a preponderance of the credible evidence that she sustained a new incisional hernia injury in November of 2001, and the claimant has failed to prove by a preponderance of the credible evidence that the incisional hernia which existed prior to November 2001 arose out of or was sustained in the course of her employment with the respondents.
9. The claimant failed to prove by a preponderance of the evidence that she sustained a compensable shoulder injury.

10. The claimant failed to prove by a preponderance of the evidence that she sustained a compensable carpal tunnel syndrome 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.

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.