

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F213363

DENNIS G. DAVIS, EMPLOYEE	CLAIMANT
J & J DRIVE-AWAY, EMPLOYER	RESPONDENT
TIG INSURANCE COMPANY, CARRIER	RESPONDENT NO. 1
HARTFORD INSURANCE COMPANY, CARRIER	RESPONDENT NO. 2

OPINION FILED MARCH 2, 2005

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

Claimant represented by HONORABLE JAY N. TOLLEY, Attorney at Law, Fayetteville, Arkansas.

Respondent No. 1 represented by HONORABLE ROBERT L. HENRY, III, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE A. GENE WILLIAMS, 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 February 12, 2004.

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

1. The claimant's status to the respondent J & J Drive-Away on October 19, 2000, was that of an independent contractor as opposed to an employee.

2. Because it is found that the claimant is an independent contractor as opposed to an employee, any benefits he seeks in this claim are barred.

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.