

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F308763

RICHARD A. LOBBS, EMPLOYEE	CLAIMANT
GATTIS EXCAVATING, INC., EMPLOYER	RESPONDENT
ARGONAUT INSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT

OPINION FILED JANUARY 26, 2005

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

Claimant represented by HONORABLE STEVEN McNEELY, Attorney
at Law, Little Rock, Arkansas.

Respondents represented by HONORABLE ANDY CALDWELL, Attorney
at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

This case comes on for review by the Full
Commission on appeal by respondents from an opinion filed
herein by an Administrative Law Judge on January 12, 2004.

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

1. There was an employer-employee
relationship on August 5, 2003.
2. The average weekly wage is \$770 and
the compensation rate is \$440.
3. The claimant has failed to prove by
a preponderance of the evidence
that he sustained a compensable

injury arising out of and in the course of his employment.

We have carefully conducted a de novo review of the entire record herein, and it is our opinion that the decision of the Administrative Law Judge is correct 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.

We therefore affirm the January 12, 2004, opinion of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the opinion as the decision of the Full Commission.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.