

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F400105

THOMAS LEWIS, EMPLOYEE	CLAIMANT
CENTRAL REDI MIX, EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE CO., CARRIER AIG, TPA	RESPONDENT

**OPINION FILED MAY 6, 2005**

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

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

Respondent represented by HONORABLE R. SCOTT MORGAN, Attorney at Law, Pine Bluff, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

The claimant appeals from a decision of the Administrative Law Judge filed July 8, 2004.

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

1. On all relevant dates, in January 2003, the relationship of employee-employer-carrier-third party administrator existed between the parties.
2. The claimant has failed to prove by the greater weight of the credible evidence presented that he sustained a

"compensable injury" to his lower back, as a result of a specific incident in January of 2003. He has failed to prove the occurrence of a physical injury to his lower back in January of 2003, which arose out of and occurred in the course of his employment with this respondent, was caused by a specific incident, and is identifiable by time and place of occurrence.

3. The respondents have denied the occurrence of any compensable injury to the claimant's back as a result of a specific incident in January of 2003, 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.