

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F104601

JONATHAN OWENS, EMPLOYEE	CLAIMANT
POMEROY & McGOWIN, INC., EMPLOYER	RESPONDENT
FREMONT COMPENSATION, CARRIER	RESPONDENT

OPINION FILED APRIL 13, 2005

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

Claimant represented by HONORABLE MICHAEL BOYD, Attorney at Law, Pine Bluff, Arkansas.

Respondent represented by HONORABLE JEREMY SWEARINGEN, 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 March 18, 2004.

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

1. The Workers' Compensation Commission has jurisdiction of this claim in which the relationship of employee-employer-carrier existed among the parties on March 5, 2001 at which time the claimant sustained a compensable head injury.
2. The claimant has failed to prove by a preponderance of the credible evidence of record that the physical injury resulted in mental illness as required by Ark. Cod Ann. § 11-9-113.

3. Based on negative diagnostic testing, additional treatment for the claimant's physical injury (head and neck) is unreasonable and unnecessary. Respondents have paid all appropriate benefits.

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.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.