

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F306001, F306002, F310296

JOSEPHINE H. MASHBURN, EMPLOYEE	CLAIMANT
PAT SALMON & SONS, INC., EMPLOYER	RESPONDENT
PACIFIC EMPLOYERS INSURANCE COMPANY, CARRIER	RESPONDENT

OPINION FILED JULY 15, 2005

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

Claimant presented pro se.

Respondent represented by HONORABLE WILLIAM C. FRYE, 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 September 10, 2004.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of claim #F306001 in which the relationship of employer-employee-carrier existed on August 1, 2001, at which time the claimant sustained a compensable injury to her head and shoulders, diagnosed as a cervical strain and contusion. This claim was accepted and paid as a "medical only" claim before being controverted.

2. The claimant has failed to prove, by a preponderance of the credible evidence of record, that her current condition, diagnosed almost three years after the accident, of degenerative changes and spondylosis at C5-6 with protrusions at T1-2/T2-3 is causally related to the incident at work in August, 2001.

3. The Arkansas Workers' Compensation Commission has jurisdiction of claim #F306002 in which the relationship of employer-employee-carrier existed on June 29, 2002, at which time the claimant sustained a compensable injury to her right knee, diagnosed as a knee strain and contusion with a pre-existing, congenital condition or fracture. Some medical expenses were paid before this claim was controverted.

4. The claimant has failed to prove, by a preponderance of the credible evidence of record, that her current condition, a medial meniscus tear, diagnosed almost nine months after the accident, is causally related to the incident at work in June, 2002.

5. The Arkansas Workers' Compensation Commission has jurisdiction of claim #F310296 in which the relationship of employer-employee-carrier existed on September 19, 2003, at which time the claimant sustained a compensable back and left knee injury, diagnosed as a lumbar strain. Some medical expenses were paid before this claim was controverted.

6. The claimant has failed to prove, by a preponderance of the credible evidence of record, that her current condition,

disc degeneration and bulging at L3-4, diagnosed almost nine months after the accident, is causally related to the incident at work in September, 2003.

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.