

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F500031

STONEY ANDERSON,  
EMPLOYEE

CLAIMANT

GROWTH GROUP, INC.,  
EMPLOYER

RESPONDENT

AMERICAN HOME ASSURANCE CO.,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED APRIL 7, 2006

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

Claimant represented by the HONORABLE EVELYN BROOKS,  
Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE JOHN TALBOT,  
Attorney at Law, Pine Bluff, Arkansas.

Decision of Administrative Law Judge: Affirmed and  
Adopted.

## OPINION AND ORDER

Claimant appeals an opinion and order of the  
Administrative Law Judge filed September 15, 2005. In  
said order, the Administrative Law Judge made the  
following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation  
Commission has jurisdiction of this claim.
2. On October 21, 2004, the relationship of  
employee-employer carrier-third party  
administrator existed between the parties.
3. On October 21, 2004, the claimant  
sustained a compensable injury to his left  
foot.

4. There is no dispute, at the present time, over the payment of medical expenses incurred for treatment of the claimant's compensable left foot injury.

5. The claimant has failed to prove by the greater weight of the credible evidence that he also sustained compensable injuries to his left hip and/or low back in the specific employment related accident or incident of October 21, 2004. Specifically, he has failed to establish by medical evidence, which is supported by objective findings, the actual existence of physical injuries to these portions of his body.

6. The respondents have denied the occurrence of any compensable injuries to the claimant's left hip or low back in the employment related accident of October 21, 2004, and have controverted his entitlement to any benefits attributable to such alleged injuries.

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.

The claimant also alleges that he sustained a compensable injury to his left hip and/or low back that is governed by the Arkansas Workers' Compensation Act,

A.C.A. § 11-9-101 et seq. The claimant's alleged injury is, indeed, an injury that is covered by the Act; however, the claimant has failed to establish the elements necessary to prove a compensable injury by a preponderance of the evidence.

Therefore we affirm and adopt the September 15, 2005 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.