

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F409891

CHARLIE BROWN, EMPLOYEE	CLAIMANT
GATES CORPORATION, EMPLOYER	RESPONDENT
GALLAGHER BASSETT SERVICES, INSURANCE CARRIER	RESPONDENT

OPINION FILED SEPTEMBER 12, 2006

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

Claimant represented by the HONORABLE AARON MARTIN,
Attorney at Law, Fayetteville, Arkansas.

Respondent represented by the HONORABLE CURTIS NEBBEN,
Attorney at Law, Fayetteville, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals from a decision of the
Administrative Law Judge filed June 14, 2006.

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

1. The Arkansas Workers'
Compensation Commission has
jurisdiction of this claim.
2. On August 25, 2004, the
relationship of employee-
employer existed between the
parties.

3. The claimant is entitled to a compensation rate of \$436.00 for temporary total disability and \$327.00 for permanent partial disability.
4. The claimant has failed to prove by a preponderance of the credible evidence that he sustained a compensable low back and neck injury on August 25, 2004, while working for the respondent.

The claimant alleges that he sustained a compensable injury 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.

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 June 14, 2006, 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.