

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F509182

WILLIAM DORSEY, EMPLOYEE	CLAIMANT
BILL'S ELECTRIC, INC., EMPLOYER	RESPONDENT
EMPLOYERS MUTUAL CASUALTY CO., CARRIER	RESPONDENT

OPINION FILED DECEMBER 12, 2006

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

Claimant represented by HONORABLE CONRAD ODOM, Attorney at Law, Fayetteville, Arkansas.

Respondent represented by HONORABLE SCOTT ZUERKER, Attorney at Law, Fort Smith, 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 7, 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 16, 2005, the relationship of employee-employer-carrier existed between the parties.

3. The claimant is entitled to a weekly compensation rate of \$453.00 for temporary total disability and \$340.00 for permanent partial disability.

4. The claimant has failed to prove by a preponderance of the evidence in light of Arkansas law that he sustained a compensable low back injury on October 16, 2005, (sic) while working for the respondent. See discussion above. Also see Ark. Code Ann. §11-9-102(4)(D).

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.

In affirming and adopting the decision of the Administrative Law Judge, we acknowledge an error in the Administrative Law Judge's findings and conclusions #4, citing the wrong alleged date of injury. The correct date is August 16, 2005.

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.