

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F411639

MICHAEL L. FOWLER,  
EMPLOYEE

CLAIMANT

McCLINTON ANCHOR/ASHLAND, INC.,  
EMPLOYER

RESPONDENT

BANKERS INSURANCE CO.,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED MARCH 6, 2006

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

Claimant represented by the HONORABLE FREDERICK SPENCER,  
Attorney at Law, Mountain Home, Arkansas.

Respondents represented by the HONORABLE E. DIANE  
GRAHAM, Attorney at Law, Fort Smith, 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 22, 2005. In  
said order, the Administrative Law Judge made the  
following findings of fact and conclusions of law:

1. The stipulations agreed upon by the parties are reasonable and are approved.
2. The employee-employer-carrier relationship existed on June 17, 2004 and at all other relevant times.
3. Respondents controvert this claim in its entirety.

4. If Claimant's wife were to testify, her testimony would corroborate that given by Claimant.

5. Claimant did not sustain his burden of proving by a preponderance of the evidence that he suffered an injury arising out of and in the course of his employment on June 17, 2004. Claimant did not report an injury on that date; he did not seek medical treatment from the company doctor. Further, credible evidence establishes that Claimant initially gave a history of injuring himself at home, and that he did not report a work-related injury until four days after the alleged incident.

6. Because Claimant failed to prove a compensable injury, it is not necessary to ascertain his average weekly wage, or to discuss his requests for medical benefits, temporary total disability benefits, or an attorney's fee.

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 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.

Therefore we affirm and adopt the September 22, 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.