

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F203394

THOMAS HARVEY, EMPLOYEE	CLAIMANT
SEARS ROEBUCK & COMPANY, EMPLOYER	RESPONDENT
LIBERTY MUTUAL FIRE INSURANCE CO, CARRIER	RESPONDENT

OPINION FILED MARCH 23, 2006

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

Claimant is not represented by counsel, but appears *pro se*.

Respondent represented by HONORABLE ERIC NEWKIRK, 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 June 16, 2005.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. The stipulations agreed to by the parties are hereby accepted as fact.

3. The claimant filed a Commission Form AR-C on or about April 18, 2002, reporting an alleged accident on November 19, 2001, as well as a second AR-C on or about October 21, 2004, claiming additional benefits for the same, alleged injury. The initial claim filing tolled the Statute of Limitations, and, therefore, this claim is not time-barred.

4. The claimant has failed to prove, by a preponderance of the evidence, that he sustained an injury arising out of and during the course of his employment with Sears Roebuck & Company on November 19, 2001.

5. The claimant has failed to prove, by a preponderance of the credible evidence, that there is a causal connection between any of the claimant's physical and psychological problems after November 19, 2001, and his employment with the respondent herein.

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.