

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F506554

BESSIE MAY HENDERSON, EMPLOYEE	CLAIMANT
CATERING FOR YOU, INC., EMPLOYER	RESPONDENT
ST. PAUL FIRE & MARINE INS. CO., CARRIER	RESPONDENT

OPINION FILED OCTOBER 18, 2006

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

Claimant represented by HONORABLE JAMES STANLEY, Attorney at Law, North Little Rock, Arkansas.

Respondent represented by HONORABLE PHILLIP CUFFMAN, 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 July 6, 2006.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of the parties and subject matter of this claim.

2. Pursuant to the stipulations of the parties and the record, the employee-employer insurance carrier relationship existed at all pertinent times and the claimant's average weekly wage was \$270.00.

3. The preponderance of the evidence fails to show that the claimant suffered compensable injuries to her shoulders as the result of either a specific incident of injury or rapid repetitive motion at work.

4. The preponderance of the evidence shows that the claimant sustained compensable bilateral carpal tunnel syndrome, arising out of and in the course of her employment, for which she is entitled to benefits, specifically including reasonably necessary medical and related care.

5. The respondents have controverted the payment of benefits resulting from the claimant's bilateral carpal tunnel syndrome. However, the record fails to show proof of a contract between the medical providers and the claimant's attorney to recover disputed bills and, consequently, no attorney's fee is authorized for claimant's counsel under Ark. Code Ann. §11-9-715 for payment of medical expenses. Thus, on this record, claimant's counsel is not entitled to an attorney's fee under the Act from the claimant, the respondents, the medical providers, or from any other source.

The claimant alleges that she 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 decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

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IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.