

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F209017

SAUNDRA K. HENSON, EMPLOYEE	CLAIMANT
C 4 GROUP, EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE/ AIG CLAIM SERVICES, TPA	RESPONDENT

OPINION FILED JULY 24, 2006

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

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

Respondent represented by HONORABLE FRANK B. NEWELL,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals and the respondents cross appeal from a decision of the Administrative Law Judge filed March 22, 2006.

The Administrative Law Judge entered 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 May 20, 2002 and at all other relevant times.

3. Respondents controvert this claim.

4. If called to testify, the testimony of Claimant's husband, Robert Henson, and her daughter, Rebecca Henson, would corroborate Claimant's testimony.

5. Claimant's Motion to Recuse should be, and hereby is, denied. In other cases, the Commission has rejected the arguments made by Claimant in this case concerning the constitutionality of the Commission. Further, the rule of necessity mandates that I remain on this claim.

6. Claimant's challenges to the constitutionality of the Commission's adjudication process should be, and hereby are, rejected. Claimant gives no reason to revisit prior Commission decisions upholding the constitutionality of its adjudication process.

7. Claimant did not sustain her burden of proving by a preponderance of the evidence that she suffered a compensable injury to her right wrist and elbow on May 20, 2002. The medical records demonstrate that Claimant initially reported striking only her right wrist, not her elbow. The record does not contain any objective findings in support of an alleged wrist injury.

8. Because Claimant failed to prove a compensable injury it is not necessary to discuss the remaining issues in this case.

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

CONCURRING AND DISSENTING OPINION

_____I respectfully concur, in part, and dissent without opinion, in part, from the Majority's decision affirming and adopting the Administrative Law Judge's March 22, 2006 opinion.

I concur with the Majority's decision to deny the claimant's motion to recuse and the rejection of the Claimant's constitutional challenges.

_____I respectfully dissent without opinion from the Majority's decision affirming that claimant did not sustain her burden of proving by a preponderance of the evidence that she suffered a compensable injury to her right wrist and elbow on May 20, 2002.

SHELBY W. TURNER, Commissioner