

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F407957

SHELIA HILL,
EMPLOYEE

CLAIMANT

WHITE RIVER HEALTH SYSTEMS,
EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES,
INSURANCE CARRIER

RESPONDENT

OPINION FILED MAY 10, 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 BILL H.
WALMSLEY, Attorney at Law, Batesville, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the
Administrative Law Judge filed October 5, 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 relationship existed on April 29, 2004 and at all other relevant times.
3. Respondents controvert this claim in its entirety.

4. Claimant's alleged right knee and feet injuries are scheduled injuries.

5. Claimant's rate of pay was \$11.94 per hour.

6. Claimant did not sustain her burden of proving by a preponderance of the evidence that she suffered an injury arising out of and in the course of her employment on April 29, 2004. Claimant's testimony at the hearing was inconsistent with the contemporary recorded histories given to her doctors that fail to mention a work-related accident, as well as the histories given on her Certification of Health Care Provider form and her June 21, 2004 Statement of Disability form. Claimant's July 27, 2004 statement further contradicts her hearing testimony concerning the extent of her injury, the area she was returning from, and the nature of her claim. Even if Claimant's testimony at the hearing is taken as her consistent statement of events, that testimony is directly contradicted and outweighed by the absence of a label in the pharmacy, the absence of a work order for step repair, the testimony of Michelle Bishop and Bridget Carlton, and the histories contained in the earlier medical records and forms.

7. Because Claimant failed to prove a compensable injury, it is not necessary to ascertain her average weekly wage, or to discuss her request 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 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.

Therefore we affirm and adopt the October 5, 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.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.