

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F500284

BRENDA F. HIXSON,  
EMPLOYEE

CLAIMANT

ARKANSAS DEPARTMENT OF HEALTH,  
EMPLOYER

RESPONDENT

PUBLIC EMPLOYEE CLAIMS DIVISION,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED JULY 14, 2006

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

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

Respondent represented by HONORABLE RICHARD S. SMITH, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

Claimant appeals from a decision of the Administrative Law Judge filed February 15, 2006.

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

1. The Parties stipulations are hereby accepted as fact.
2. Claimant did not submit credible evidence of bias, pressure or any other legitimate reason evidencing sufficient grounds for the recusal of this ALJ, and therefore the claimant's motion to recuse is denied.
3. Claimant's constitutional challenges to the Commission's adjudication process should be, and hereby are rejected. Claimant has failed to show how the Commission's adjudication process violates the separation of process principal or does not comport with procedural due process.
4. The claimant has failed to prove by a preponderance of the evidence that she sustained compensable injuries to her left shoulder or neck arising out of and in the course of her employment with the respondents, supported by objective medical findings.
5. Due to the lack of compensable injury, issues two and three outlined herein are rendered moot.

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.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner concurs, in part, and dissents, in part.

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 February 15, 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 the Administrative Law Judge's February 15, 2006 opinion denying compensability.

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SHELBY W. TURNER, Commissioner