

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F402650

CARY D. McCLAIN,
EMPLOYEE

CLAIMANT

DAVENPORT ROOFING INC.,
UNINSURED EMPLOYER

RESPONDENT

OPINION FILED JULY 13, 2006

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

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

Respondent represented by the HONORABLE NORMAN C.
WILBER, Attorney at Law, Mountain Home, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the
Administrative Law Judge filed March 21, 2006. In said
order, the Administrative Law Judge made the following
findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction to determine whether the claimant was an employee of the respondent or its subcontractors.
2. The claimant has failed to prove by a preponderance of the evidence that he was an employee of Davenport Roofing or its subcontractors at the time of his injury on July 16, 2003, and therefore is not entitled to an award of compensation under the Arkansas Workers' Compensation laws.

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.

Therefore we affirm and adopt the March 21, 2006, 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.