

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F508597

JAMES M. MILLER, EMPLOYEE	CLAIMANT
MAIL CONTRACTORS OF AMERICA, INC., EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE CO./ AIG CLAIM SERVICES, INSURANCE CARRIER/TPA	RESPONDENT

**OPINION FILED DECEMBER 18, 2006**

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

Claimant appeared pro se.

Respondent represented by the HONORABLE CAROL LOCKARD WORLEY, 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 July 14, 2006.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. The employer/employee relationship existed at all relevant times, including June 1, 2004.

3. The respondents accepted the claim as a compensable medical only claim for treatment through July of 2004, but fully controverted claimant's right to additional medical treatment sought in April of 2005 in connection with his lower back.
4. The claimant has failed to prove by a preponderance of the evidence that he suffered a compensable injury to his lower back on June 1, 2004.
5. The claimant has failed to prove that he is entitled to additional medical or other benefits associated with his June 1, 2004 injury.
6. Alternatively, any claim for additional medical treatment or benefits related to claimant's lower back arising from the claimant's preexisting condition is barred by the applicable statute of limitations.

The claimant alleges that he 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 filed July 24, 2006, 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 dissents.