

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F501378

CURTIS NETTLES, EMPLOYEE	CLAIMANT
MODERN BUILDERS SUPPLY CO, EMPLOYER	RESPONDENT
COMMERCE & INDUSTRY INS. CO., INSURANCE CARRIER	RESPONDENT

**OPINION FILED AUGUST 31, 2006**

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

Claimant represented by the HONORABLE C. MICHAEL WHITE,  
Attorney at Law, North Little Rock, Arkansas.

Respondent represented by the HONORABLE FRANK B. NEWELL,  
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 May 22, 2006.

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

1. The employer-employee-carrier relationship existed at all pertinent times.
2. On or about January 25, 2005, the claimant sustained a compensable back injury.

3. The claimant has been paid benefits on the assumption that his compensation rates were \$281/\$211.
4. The respondents have controverted the claimant's entitlement to any additional benefits after August 4, 2005.
5. The claimant's correct compensation rates are \$268 per week for total disability and \$201 per week for permanent partial disability.
6. The claimant has failed to prove by a preponderance of the evidence that any additional medical treatment after August 4, 2005 would be reasonably necessary for his compensable back injury.
7. The claimant has failed to prove by a preponderance of the evidence that he remained within the healing period for his January 5, 2005 back injury after August 4, 2005. Therefore, the claimant has failed to prove by a preponderance of the evidence that he is entitled to any temporary disability compensation after August 4, 2005.

The claimant alleges that he/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 filed May 22, 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.