

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F513122

BILLY R. PEARROW,
EMPLOYEE

CLAIMANT

ARKANSAS ENVIRONMENTAL WASTE
RECYCLING, EMPLOYER

RESPONDENT

AIG CLAIM SERVICES, INC.,
INSURANCE CARRIER

RESPONDENT

OPINION FILED AUGUST 31, 2006

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

Claimant appears pro se on appeal.

Respondents represented by the HONORABLE MELISSA ROSS,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the
Administrative Law Judge filed June 6, 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 over this claim.
2. The employment relationship existed between the parties at all relevant times, including November 28, 2005, at which time the claimant's average weekly wage was \$542.75, entitling the claimant to compensation rates of \$362.00 per week for temporary total disability and \$272.00 per week for permanent

partial disability in the event the claim is found compensable.

3. The claimant has failed to prove, by a preponderance of the evidence, that his alleged back injury was caused by a specific incident identifiable by time and place of occurrence which arose out of and during the course of his employment with Arkansas Environmental Waste.

4. The claimant has failed to prove, by a preponderance of the credible evidence, that there is a causal connection between his need for treatment and alleged disability and any employment related injury with the respondent herein.

5. Respondents have controverted this claim in its entirety.

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 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.

Therefore we affirm and adopt the June 6, 2006 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.