

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F502927

BETTY S. SCHRAND,  
EMPLOYEE

CLAIMANT

ARAMARK HEALTHCARE SUPPORT,  
EMPLOYER

RESPONDENT

INDEMNITY INSURANCE CO. OF  
NORTH AMERICA/SPECIALTY RISK  
SERVICES, INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED SEPTEMBER 11, 2006

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

Claimant represented by the HONORABLE GARY DAVIS,  
Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE RANDY P.  
MURPHY, 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 15, 2006. In said  
order, the Administrative Law Judge made the following  
findings of fact and conclusions of law:

1. The stipulations agreed upon by the parties are reasonable and are approved.
2. The employee-employer-carrier relationship existed on January 18, 2005 and at all other relevant times.
3. Respondents controvert this claim.

4. Claimant's average weekly wage was \$320.00 a week based on forty hours a week on the average, with a payment of \$8.00 an hour.

5. Claimant did not sustain her burden of proving by a preponderance of the evidence that her alleged smoke inhalation incident is a compensable injury, because the record does not establish that her alleged injury arose out of and in the course of her employment. The symptoms she experienced a few days prior to the incident are similar to the symptoms she experienced afterwards; no medical records report the smoke inhalation incident as a possible cause for two and one-half months after the incident; Claimant presented her medical bills to her group health insurance carrier; Claimant did not present a workers' compensation claim for approximately two months; and her initial studies reported that her lungs were clear following the incident.

6. Because Claimant failed to prove any compensable injury, it is not necessary to discuss the remaining issues in his case.

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 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.

Therefore we affirm and adopt the June 15, 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.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.