

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F411615 and F411616

RICK SCHUETZE,
EMPLOYEE

CLAIMANT

D & G TRANSPORT, INC.,
EMPLOYER

RESPONDENT NO. 1

WESTPORT INSURANCE CORP./
GALLAGHER BASSETT, TPA,
INSURANCE CARRIER

RESPONDENT NO. 1

GREAT WEST CASUALTY CO./
CRAWFORD & COMPANY, TPA,
INSURANCE CARRIER

RESPONDENT NO. 2

OPINION FILED JUNE 16, 2006

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

Claimant appears pro se.

Respondents No. 1 represented by the HONORABLE WILLIAM
C. FRYE, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 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 an opinion and order of the
Administrative Law Judge filed November 30, 2005. In
said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. Claimant has failed to meet his burden of
proving by a preponderance of the evidence
that he sustained a compensable injury arising

out of and during the course and scope of his employment in late October or November of 2003 or on or about January 1, 2004, or an aggravation of any preexisting condition, or that any condition from which he suffered was causally related to his employment.

2. Claimant has, likewise, failed to meet his burden of proving by a preponderance of the evidence that he sustained either a compensable injury on November 1, 2004, or an aggravation of a preexisting compensable condition arising out of and during the course and scope of his employment, or that any condition from which he suffered in November 2004 was causally related to his employment.

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 November 30, 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.