

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F313601

RODGER SPRAYBERRY, EMPLOYEE	CLAIMANT
WILLIAM & ROXANN DAVIS CO. LLC, EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE, INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED JANUARY 31, 2006

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

Claimant represented by the HONORABLE NELSON SHAW,
Attorney at Law, Texarkana, Texas.

Respondents represented by the HONORABLE FRANK NEWELL,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals and Respondents cross appeal an
opinion and order of the Administrative Law Judge filed
October 26, 2005. 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 of this claim.
2. The stipulations agreed to by the parties
are reasonable and are hereby accepted as
fact.

3. The claimant has failed to prove by a preponderance of the evidence that he was an employee of the respondent.

4. The claimant has failed to prove by a preponderance of the evidence that he sustained a compensable injury.

5. The 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 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.

We therefore affirm the October 26, 2005 decision of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the

opinion as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.