

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F400497

LINDA WALSTON, EMPLOYEE	CLAIMANT
MENA MEDICAL CENTER, EMPLOYER	RESPONDENT
RISK MANAGEMENT SERVICES, CARRIER/TPA	RESPONDENT

**OPINION FILED FEBRUARY 8, 2006**

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

Claimant represented by HONORABLE RICHARD S. MUSE, Attorney at Law, Hot Springs, Arkansas.

Respondent represented by HONORABLE GUY A. WADE, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

The claimant appeals from a decision of the Administrative Law Judge filed June 17, 2005.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On January 8, 2004, the relationship of employee-self insured employer-third party administrator existed between the parties.

3. On January 8, 2004, the claimant earned wages sufficient to entitle her to weekly compensation benefits of \$406.00 for total disability and \$305.00 for permanent partial disability, should such benefits have been appropriate.

4. The claimant has failed to prove by the greater weight of the credible evidence that she sustained a "compensable injury" to her back or lumbar spine on January 8, 2004. Specifically, she has failed to prove the occurrence of a physical injury to this portion of her body on that date, that arose out of and occurred in the course of her employment, that was caused by a specific incident, that is identifiable by time and place of occurrence, that resulted in internal or external physical harm to her body, and that required medical services or resulted in disability.

5. The respondents have denied the occurrence of any compensable injury to the claimant's back or lumbar spine and have controverted this claim in its entirety.

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 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, 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.