

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F510231

KEVIN WEGENKE,  
EMPLOYEE

CLAIMANT

MARK MARTIN FORD MERCURY,  
SELF-INSURED EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES,  
THIRD PARTY ADMINISTRATOR

RESPONDENT

OPINION FILED NOVEMBER 14, 2006

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

Claimant represented by the HONORABLE JIM BURTON,  
Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE MICHAEL RYBURN,  
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 August 9, 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 employer-employee relationship existed on or about September 1, 2005.
3. No benefits have been paid in this case.

4. The claimant has failed to establish that he sustained a compensable lateral epicondylitis condition. Specifically, the claimant failed to prove by a preponderance of the evidence that his condition arose out of his employment duties at Mark Martin Ford Mercury; the claimant has failed to establish that his work duties were performed rapidly, and the claimant has failed to establish the existence of his diagnosed lateral epicondylitis with medical evidence supported by objective findings.

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 August 9, 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.