

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F504734 & F504735

DONALD SIMPSON, EMPLOYEE	CLAIMANT
LAKE VILLAGE SAND & TIRE COMPANY, INC., EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE COMPANY C/O AIG CLAIM SERVICES, TPA	RESPONDENT

OPINION FILED MAY 29, 2007

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

Claimant is not represented by counsel, but appears *pro se*.

Respondent represented by HONORABLE MELISSA (ROSS) WOOD, 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 November 13, 2006.

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

1. That the Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. The employer/employee relationship existed on or about the dates of November 17, 2004 and December 6, 2004.

3. Compensation rate: \$229.00 - TTD, \$172.00 - PPD, based on an average weekly wage of \$342.83.

4. The claimant has failed to prove by a preponderance of the evidence that he suffered a compensable work-related injury on November 17, 2004.

5. The claimant has failed to prove by a preponderance of the evidence that he suffered a compensable work-related injury on December 6, 2004.

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.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.