

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F407834

THEODIOUS POWELL, EMPLOYEE	CLAIMANT
J.B. HUNT TRANSPORT, INC., EMPLOYER	RESPONDENT
INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA, CARRIER	RESPONDENT

**OPINION FILED MAY 21, 2008**

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

Claimant represented by HONORABLE ANDY L. CALDWELL, Attorney at Law, Little Rock, Arkansas.

Respondent represented by HONORABLE JOSEPH H. PURVIS, and HONORABLE WILLIAM C. BIRD, III, Attorneys 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 April 27, 2007.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of the parties and subject matter of this claim.

2. Pursuant to the stipulations of the parties and the record, the claimant was hired by the respondent employer on or about April 10, 2003; the employee-employer-insurance carrier relationship existed at all pertinent times, including January 25, 2040; and the claimant's average weekly wage was \$552.00.

3. The preponderance of the evidence fails to show that the claimant suffered compensable injuries to his right or left knee, arising out of and in the course of his employment, within the meaning of the Act.

4. A compensable injury to either knee has not been established by medical evidence, supported by objective findings, although there are objective findings consistent with degenerative conditions in both knees.

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 Hood dissents.