

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F303498

CURTIS TAYLOR, EMPLOYEE	CLAIMANT
J. W.'S AUTO SALES, LLC, UNINSURED EMPLOYER	RESPONDENT
THE ESTATE OF J. W. HALL, DECEASED	RESPONDENT

OPINION FILED MARCH 20, 2008

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

Claimant represented by the HONORABLE H. OSCAR HIRBY,
Attorney at Law, Little Rock, Arkansas.

Respondent represented by the HONORABLE CHARLES A. BANKS,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals from a decision of the
Administrative Law Judge filed October 15, 2007.

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

1. On July 10, 2002, respondent-
employer J.W.'s Auto Sales, LLC.,
employed three or more employees
regularly in the course of business
so as to bring its operations under
the jurisdiction of the Arkansas
Workers' Compensation Act and the
Arkansas Workers' Compensation
Commission.

2. On July 10, 2002, respondent did not have in place a policy of workers' compensation insurance in place (sic) nor was it an authorized self-insured employer. Respondent was an uninsured employer on July 10, 2002.
3. On July 10, 2002, the claimant was not an employee within the meaning of the Arkansas Workers' Compensation Law, but rather an independent contractor.

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.