

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F612221

GERALD WAGNER (DEC'D.), EMPLOYEE	CLAIMANT
TYSON POULTRY, INC., EMPLOYER	RESPONDENT
TYNET CORPORATION, INSURANCE CARRIER	RESPONDENT

OPINION FILED MAY 13, 2008

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

Claimant represented by the HONORABLE BENNETT NOLAN, Attorney at Law, Fort Smith, Arkansas.

Respondents represented by the HONORABLE DIANE GRAHAM, Attorney at Law, Fort Smith, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the Administrative Law Judge filed December 13, 2007. 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 of this claim.
2. On October 30, 2006, the relationship of employee-employer-carrier existed between the parties.
3. The respondents have paid or tendered benefits.

4. The claimant has refused to accept a payment to Ocker-Putman Funeral Home in the amount of \$9,787.89.
5. The respondents have paid one day of temporary total disability and the hospital bills from October 30, 2006 through November 7, 2006.
6. The claimant has failed to prove by a preponderance of the evidence that he was not performing employment services at the time of his accident on October 30, 2006.
7. The respondents have accepted this accident as a compensable injury.
8. The respondents have paid all medical costs.
9. The respondents should pay all death benefits resulting from this compensable injury.

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 made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the December 13, 2007, decision of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and

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adopt the opinion as the decision of the Full Commission
on appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.