

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F808033

JAMES CONNORS, EMPLOYEE	CLAIMANT
STAFFMARK INVESTMENTS, LLC, EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE COMPANY, INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED JUNE 25, 2009

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

Claimant represented by HONORABLE SHEILA F. CAMPBELL,
Attorney at Law, Little Rock, Arkansas.

Respondent represented by HONORABLE JOSEPH H. PURVIS,
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 January 16, 2009.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. The stipulations agreed to by the parties are hereby accepted as fact.

3. A preponderance of the credible evidence reflects that the claimant's accident and injury were substantially occasioned by the use of an illegal drug, specifically, cocaine as reflected by a drug test administered following the claimant's work-related accident.
4. The claimant has failed to overcome the presumption created under the Act that the accident and resulting injury were substantially occasioned by the use of illegal drugs.
5. A preponderance of the credible evidence reflects that only the claimant's emergency room treatment was directed and authorized by the respondents. Respondents are not responsible for any medical and related expenses in this claim.

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.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.