

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F711609

STELLA FARRAR,
EMPLOYEE

CLAIMANT

TYSON MEXICAN ORIGINAL,
SELF-INSURED EMPLOYER

RESPONDENT NO. 1

SECOND INJURY FUND,

RESPONDENT NO. 2

OPINION FILED DECEMBER 4, 2009

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

Claimant represented by the HONORABLE EVELYN E. BROOKS,
Attorney at Law, Fayetteville, Arkansas.

Respondent No. 1 represented by the HONORABLE E. DIANE
GRAHAM, Attorney at Law, Fort Smith, Arkansas.

Respondent No. 2 represented by the HONORABLE DAVID
SIMMONS, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the
Administrative Law Judge filed June 19, 2009. In said
order, the Administrative Law Judge made the following
findings of fact and conclusions of law:

1. On all relevant dates, the relationship of
employee-self insured employer-third party
administrator existed between the parties.
2. The claimant has failed to prove by the
greater weight of credible evidence that she
sustained "compensable injuries" to her
shoulders, as that term is defined by Ark.

Code Ann. §11-9-102(4) (A) (ii) (a), during her employment with this respondent. Specifically, the claimant has failed to prove that she has sustained any physical injury to her shoulders that arose out of and occurred in the course of her employment with this respondent and it was caused by rapid repetitive motion.

3. The respondent has denied the occurrence of any compensable injury to the claimant's shoulders and have controverted this case in its entirety.

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.

The claimant alleges that she sustained compensable injuries that are governed by the Arkansas Workers' Compensation Act, A.C.A. § 11-9-101 et seq. The claimant's alleged injuries are, indeed, injuries that are covered by the Act; however, the claimant has failed to establish the elements necessary to prove these compensable injuries by a preponderance of the evidence.

Therefore we affirm and adopt the June 19, 2009 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.