

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F610946

OLA McRAY, EMPLOYEE	CLAIMANT
MILWAUKEE ELECTRIC TOOL CORP., EMPLOYER	RESPONDENT
TOKIO MARINE & FIRE INS. CO., CARRIER	RESPONDENT

OPINION FILED FEBRUARY 17, 2009

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

Claimant represented by HONORABLE PHILIP M. WILSON, Attorney at Law, Little Rock, Arkansas.

Respondent represented by THE HONORABLE WILLIAM C. BYRD, III, Attorney 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 September 24, 2008.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On May 19, 2006, the relationship of employee-employer-carrier existed among the parties, when the claimant earned an average weekly wage of \$424.00, yielding compensation benefit rates of \$283.00/\$212.00, for temporary total/permanent partial disability.

3. The claimant has failed to sustain her burden of proof by a preponderance of the credible evidence that she suffered aa injury to her neck within the course and scope of her employment as a result of a specific injury on May 19, 2006, or as a result of a gradual onset 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 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.