

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F802977

LISA PAYNE, EMPLOYEE	CLAIMANT
PETROMARK, INC. EMPLOYER	RESPONDENT
FEDERATED MUTUAL INSURANCE, INSURANCE CARRIER	RESPONDENT

OPINION FILED NOVEMBER 3, 2009

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

Claimant appears Pro Se.

Respondents represented by the HONORABLE CONSTANCE G. CLARK, Attorney at Law, Fayetteville, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the Administrative Law Judge filed May 7, 2009. 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 January 7, 2008, and March 18, 2008, the relationship of employee-employer-carrier existed between the parties.
3. On both these dates, the claimant earned wages sufficient to entitle her to weekly compensation benefits of \$310.00 for total disability and \$233.00 for permanent partial disability.

4. On January 7, 2008, the claimant sustained a compensable injury to her back, in the form of a lumbar sprain.

5. All appropriate benefits for this compensable injury, which have accrued to date, appear to have been provided by the respondents.

6. The claimant has failed to prove by the greater weight of the credible evidence that the lumbar and radicular difficulties, which she has experienced on and after March 18, 2008, and the herniated lumbar disc at L5-S1 are causally related to the compensable back injury of January 7, 2008.

7. The claimant has failed to prove that she sustained a compensable injury to her lumbar spine on March 18, 2008. Specifically, the claimant has failed to prove that her lumbar and radicular difficulties, on and after March 18, 2008, and her herniated L5-S1 intervertebral discs were causally related to any specific employment-related accident and injury on March 18, 2008.

8. The respondents have controverted the claimant's entitlement to any benefits for her herniated intervertebral disc at L5-S1 and her resulting lumbar and radicular difficulties on and after March 18, 2008.

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 by a preponderance of the evidence that she sustained a compensable injury to her lumbar spine on March 18, 2008.

Therefore we affirm and adopt the May 7, 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.