

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F803190

BARON K. RHODES,  
EMPLOYEE

CLAIMANT

COMMERCIAL METALS COMPANY  
(CMC JOIST,) EMPLOYER

RESPONDENT

ACE AMERICAN INSURANCE COMPANY,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED APRIL 21, 2009

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

Claimant represented by the HONORABLE GREGORY R. GILES,  
Attorney at Law, Texarkana, Arkansas.

Respondents represented by the HONORABLE GILL A. ROGERS,  
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 October 30, 2008. In  
said order, the Administrative Law Judge made the  
following findings of fact and conclusions of law:

1. The relationship of employee/employer/carrier  
existed on March 25, 2008, and all other pertinent  
dates relative to this claim.
2. The claimant did sustain a fall in the plant on  
March 25, 2008.
3. The claimant has failed to establish that he  
sustained a compensable injury on March 25, 2008.  
Specifically, the claimant has failed to establish

by a preponderance of the evidence that he was engaged in employment services at the time of the fall giving rise to this claim.

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 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 covered by the Act; however, the claimant has failed to establish the elements necessary to prove the compensable injury by a preponderance of the evidence.

Therefore we affirm and adopt the October 30, 2008 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.

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A. WATSON BELL, Chairman

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KAREN H. McKINNEY, Commissioner

Commissioner Hood dissents.