

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F800848

GEORGE VAN METER, EMPLOYEE	CLAIMANT
PEACOCK ENTERPRISES, SELF-INSURED EMPLOYER THROUGH ARK. TRUCKING ASSOC. TRUST	RESPONDENT
RETENTION MANAGEMENT SERVICES, TPA	RESPONDENT

OPINION FILED FEBRUARY 17, 2009

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

Claimant represented Pro Se.

Respondent represented by HONORABLE MELISSA WOOD, 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 October 2, 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 October 28, 2007, the relationship of employee-self insured employer-third party administrator existed between the parties.

3. On October 28, 2007, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$478.00 for total disability and \$359.00 for permanent partial disability, should such benefits have been appropriate.
4. The claimant was involved in an employment related motor vehicle accident on October 28, 2007.
5. The claimant has failed to prove by the greater weight of the credible evidence that he sustained a "compensable" injury to his left shoulder on October 28, 2007. Specifically, he has failed to prove by the greater weight of the credible evidence the existence of a causal relationship between the employment related motor vehicle accident of October 28, 2007, and any physical injury to his left shoulder. Thus, he has failed to prove the occurrence of a physical injury to his body that arose out of and occurred in the course of his employment, was caused by a specific incident, and is identifiable by time and place of occurrence, as required by Ark. Code Ann. §11-9-102(4)(A)(i).
6. The respondents have denied the occurrence of any compensable injury to the claimant's left shoulder on October 28, 2007, and have controverted this

claim in its entirety.

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.

Van Meter - F800848

-4-

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. McKINNEY, Commissioner

Commissioner Hood dissents.