

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F809737

JOE P. BUCKLEY,
EMPLOYEE

CLAIMANT

FRASER CLAY WORKS, INC.,
EMPLOYER

RESPONDENT

TECHNOLOGY INSURANCE COMPANY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED MAY 28, 2010

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

Claimant represented by the HONORABLE FREDERICK S.
SPENCER, Attorney at Law, Mountain Home, Arkansas.

Respondents represented by the HONORABLE J. LESLIE
EVITTS, III, Attorney at Law, Fort Smith, 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 27, 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 the within claim.
2. The employee-employer-carrier relationship existed on June 15, 2008, and at all other relevant times.
3. The claimant's temporary total rate is \$315.00, and his permanent partial disability rate of \$226.00.

4. This claim has been controverted in its entirety.
5. The Act is constitutional. The claimant's Motion for Recusal is hereby denied.
6. The claimant failed to prove by a preponderance of the evidence that he suffered a back injury on June 15, 2008, during and in the course of his employment with the respondent-employer.
7. All issues not litigated herein are reserved.

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 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 October 27, 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.