

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F900258

JIMMIE L. DOBBINS, EMPLOYEE	CLAIMANT
ABC SUPPLY COMPANY, EMPLOYER	RESPONDENT
ACE AMERICAN INSURANCE CO., INSURANCE CARRIER	RESPONDENT

**OPINION FILED FEBRUARY 4, 2010**

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

Claimant represented by HONORABLE STEVEN R. McNEELY, Attorney at Law, Little Rock, Arkansas.

Respondent represented by HONORABLE ERIC NEWKIRK, 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 August 13, 2009.

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 and the existence of the employment relationship between the claimant and respondents at all time (sic) pertinent, to included (sic) December 5, 2008, when the

claimant earned wages sufficient to entitle him to weekly compensation benefits at the rates of \$354.00/\$265.00 for temporary total/permanent partial disability.

2. On December 5, 2008, the claimant did not sustain an injury arising out of and in the course of his employment.
3. The claimant has failed to sustain his burden of proof by a preponderance of the evidence that he sustained a gradual onset back injury within the course and scope of his employment with respondent.

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.

IT IS SO ORDERED.

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A. WATSON BELL, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.