

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F711726

BLANCA TREVINO, EMPLOYEE	CLAIMANT
STAFFMARK, EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT

OPINION FILED MAY 28, 2010

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

Claimant appeared *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 December 9, 2009.

The Administrative Law Judge entered the following findings of fact and conclusions of law:

1. The stipulations agreed to by the parties at the pre-hearing conference conducted on September 30, 2009, and contained in a pre-hearing order filed that same date, are hereby accepted as fact.

2. The parties' stipulation that the Commission entered a change of physician order to Dr. Henley on November 20, 2008 with an appointment made for December 22, 2008 is also hereby accepted as fact.
3. The claimant has failed to prove by a preponderance of the evidence that she is entitled to temporary total disability benefits from February 7, 2008 through May 12, 2009.
4. Claimant's attorney is entitled to an attorney fee on temporary total disability benefits paid by respondent from May 13, 2009 through June 23, 2009.

The claimant alleges that he/she 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.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.