

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F804786

TERENCE WATTS,
EMPLOYEE

CLAIMANT

SEARS ROEBUCK & COMPANY,
EMPLOYER

RESPONDENT

INDEMNITY INS. COMPANY OF NO. AMERICA,
INSURANCE CARRIER

RESPONDENT

OPINION FILED SEPTEMBER 7, 2010

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

Claimant appears Pro Se.

Respondent represented by the HONORABLE LEE MULDROW,
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 December 31, 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 this claim.
2. The employer/employee/carrier relationship existed on March 6, 2008, when the claimant sustained a compensable injury to his left knee.

3. The claimant's wages were sufficient to entitle him to compensation rates of \$160.00 for temporary total disability benefits and \$120.00 for permanent partial disability benefits.
4. The respondents have agreed to pay the emergency room bill of \$698.50 from 5/11/08, as related to claimant's on-the-job injury.
5. The claimant has failed to prove by a preponderance of the evidence that he suffered compensable injuries to right shoulder and back.
6. The claimant has failed to prove by a preponderance of the evidence that he is entitled to medical treatment to the right shoulder.
7. The claimant has failed to prove by a preponderance of the evidence that he is entitled to additional temporary total disability benefits.
8. The preponderance of the evidence shows that the claimant is entitled to permanent partial disability benefits based on the 33% impairment rating assigned by Dr. Rooney and that the respondents are entitled to a credit towards payment of the rating based on the overpayment of the temporary disability benefits from May 8, 2008, until February 2, 2009.

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 December 31, 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.