

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F809971

JEFFREY VANCE, EMPLOYEE CLAIMANT

EVERGREEN PACKAGING, INC.,
EMPLOYER RESPONDENT

ACE AMERICAN INSURANCE COMPANY/
GALLAGHER BASSETT SERVICES,
INSURANCE CARRIER/TPA RESPONDENT

OPINION FILED JANUARY 27, 2011

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

Claimant represented by the HONORABLE PHILIP M. WILSON,
Attorney at Law, Little Rock, Arkansas.

Respondent represented by the HONORABLE WILLIAM C. FRYE,
Attorney at Law, North 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 19, 2010.

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. The employer/employee/carrier

relationship existed on or about July 26, 2008, when the claimant contends he sustained a compensable injury.

3. The claimant is entitled to the maximum compensation rates, if awarded.
4. Respondents have controverted this claim in its entirety.
5. The claimant returned to work on September 30, 2008.
6. The claimant was paid short term disability in the amount of \$2,692.95 from July 27, 2008, until September 30, 2008.
7. First Source, the respondent's group health carrier, paid most of the medical bills.
8. The employer/employee relationship existed at all relevant times.
9. Claimant's alleged injury is a central incisional hernia and does not meet the five criteria required to establish a compensable hernia under applicable law.
10. Claimant has failed to establish by a preponderance of the evidence that he sustained a compensable injury.

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.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.