

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H002123

SANDRA KIMBLE, EMPLOYEE CLAIMANT

ARKANSAS DEPARTMENT OF
TRANSPORTATION, EMPLOYER RESPONDENT

PUBLIC EMPLOYEE CLAIMS DIVISION,
INSURANCE CARRIER/TPA RESPONDENT

OPINION FILED MAY 17, 2022

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

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

Respondents represented by the HONORABLE ROBERT H. MONTGOMERY, 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 February 23, 2022. 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 over this claim.
2. That an employer/employee relationship existed on October 8, 2019.
3. That the claimant has failed to satisfy the required burden

of proof to show that she sustained a compensable work-related injury to her back on October 8, 2019.

4. That, consequently, all remaining issues are moot.
5. If not already paid, the respondents are ordered to pay for the cost of the transcript forthwith.

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's February 23, 2022 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.

Therefore 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.

SCOTTY DALE DOUTHIT, Chairman

CHRISTOPHER L. PALMER, Commissioner

Commissioner Willhite concurs.

CONCURRING OPINION

After my *de novo* review of the entire record, I concur with the majority opinion finding that the claimant has failed to satisfy the required burden of proof to show that she sustained a compensable work-related injury to her back on October 8, 2019.

I found the claimant's testimony to be credible and it appears to me that there was a work incident. However, there is not sufficient medical proof to conclude that the claimant's back problems were caused by an incident on October 8, 2019. Therefore, I am constrained to agree with the majority.

For the foregoing reason, I concur with the majority opinion.

M. SCOTT WILLHITE, Commissioner