

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G807143

CARLOS REECE, EMPLOYEE CLAIMANT

DOLLAR TREE STORES, INC., EMPLOYER RESPONDENT

GALLAGHER BASSETT SERVICES, INC.,  
INSURANCE CARRIER/TPA RESPONDENT

OPINION FILED JANUARY 13 , 2022

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

Claimant appeared *pro se*.

Respondents represented by the HONORABLE RANDY P. MURPHY,  
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 August 11, 2021. 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. I hereby accept the aforementioned stipulations as fact.

3. The medical report that the Claimant submitted to the Commission following the June 3, 2021 hearing, which included eight pages of medical records from UAMS has been excluded from admission into evidence.
4. The Claimant failed to prove by a preponderance of the credible evidence that he sustained a compensable back injury in the course and scope his employment with the Respondents-Dollar Tree Stores, Incorporated (referred to herein as "Dollar Tree") on September 29, 2018.
5. All other issues relating to the alleged compensable consequence injuries (severe depression and anxiety disorders), temporary total disability compensation, and reasonably necessary medical treatment have been rendered moot and not discussed herein this Opinion.

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.

Therefore, we affirm and adopt the August 11, 2021 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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SCOTTY DALE DOUTHIT, Chairman

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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 failed to prove by a preponderance of the evidence that he sustained a compensable back injury in the course and scope of his employment with the respondents on September 29, 2018.

Although it does appear from the medical records that the claimant had objective evidence of an injury, I cannot say without speculation that the claimant's injury was caused in the course of his employment. Therefore, I am constrained to agree with the majority.

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

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M. Scott Willhite, Commissioner