NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H305681

JAMES T. FANNON, EMPLOYEE — CLAIMANT

NORTHEAST PUBLIC WATER AUTHORITY, INC., EMPLOYER — RESPONDENT

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, INSURANCE CARRIER/TPA — RESPONDENT

OPINION FILED JULY 23, 2026

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

Claimant represented by the HONORABLE C. MICHAEL WHITE, Attorney at Law, North Little Rock, Arkansas.

Respondents represented by the HONORABLE GUY A. WADE, 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 March 3, 2026. 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 August 22, 2023, the date of the claimed injury.

3. That the Claimant has failed to prove by a preponderance of the credible evidence that he sustained a compensable work-related injury to his lower back on August 22, 2023.

4. That 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 March 3, 2026 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.

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SCOTTY DALE DOUTHIT, Chairman

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MICHAEL R. MAYTON, Commissioner

Commissioner Willhite concurs.

CONCURRING OPINION

After my *de novo* review of the 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 work-related injury to his lower back on August 22, 2023. I write separately for the benefit of the Claimant.

Claimant was employed with the Respondent on August 22, 2023, when Claimant was struck by a backhoe on his left hip. The Respondent initially accepted the claim as compensable for Claimant's left hip and left arm injuries. However, there is insufficient evidence of an objective injury to the Claimant's lower back in the record as required by Ark. Code Ann. § 11-9-102(4)(A). A compensable injury must be established by medical evidence supported by objective findings and medical opinions addressing compensability must be stated within a degree of medical certainty. *Smith-Blair, Inc. v. Jones*, 77 Ark. App. 273, 72 S.W.3d 560 (2002). Further, although diagnostic testing showed some abnormalities in the Claimant's lower back, there is insufficient evidence to conclude those abnormalities resulted from any incident at the workplace. Therefore, I cannot say that the evidence in the record is sufficient to meet the required burden of proof by a preponderance of the evidence that he suffered a compensable injury to his lower back.

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

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M. SCOTT WILLHITE, Commissioner