

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H201208

JEFFREY HARVEY, EMPLOYEE	CLAIMANT
UNIVERSITY OF ARKANSAS, EMPLOYER	RESPONDENT
PUBLIC EMPLOYEE CLAIMS DIVISION, INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED DECEMBER 6, 2022

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

Claimant represented by the HONORABLE DAVID L. SCHNEIDER,
Attorney at Law, Fayetteville, 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 August 3, 2022. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The stipulations agreed to by the parties at a pre-hearing conference conducted on May 18, 2022 and contained in a pre-hearing order filed that same date are hereby accepted as fact.
2. The parties' stipulation that claimant earned an average weekly wage of \$699.00 which would entitle him to compensation at the rates of \$466.00 for total disability benefits and \$350.00 for permanent partial disability benefits is also hereby accepted as fact.

3. Claimant has failed to meet his burden of proving by a preponderance of the evidence that he suffered a compensable injury to his back on February 3, 2022. Specifically, claimant was not performing “employment services” at the time of his injury.

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's August 3, 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

M. SCOTT WILLHITE, Commissioner