

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G905672

SIOMARA Y. HERNANDEZ RAMIREZ, EMPLOYEE CLAIMANT

TYSON POULTRY, EMPLOYER RESPONDENT

TYNET CORPORATION,
INSURANCE CARRIER/TPA RESPONDENT

OPINION FILED MAY 5, 2022

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

Claimant represented by the HONORABLE EVELYN E. BROOKS, Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE R. SCOTT ZUERKER, Attorney at Law, Fort Smith, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the Administrative Law Judge filed December 22, 2021. 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 the pre-hearing conference conducted on July 28, 2021, and contained in a Pre-hearing Order filed that same date, are hereby accepted as fact.
2. The claimant has failed to prove by a preponderance of the evidence that she sustained a compensable injury to her right shoulder on June 10, 2019.

3. The claimant has failed to prove by a preponderance of the evidence that she is entitled to medical treatment.

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 December 22, 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.

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 (1) the claimant failed to prove by a preponderance of the evidence that she sustained a compensable injury to her right shoulder on June 10, 2019 and that (2) the claimant has failed to prove by a preponderance of the evidence that she is entitled to medical treatment.

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 show that her condition resulted from that workplace accident. Therefore, I am constrained to agree with the majority.

M. SCOTT WILLHITE, Commissioner