

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H302552

SARAH SIX PAPP, EMPLOYEE CLAIMANT

NORTHWEST MEDICAL CENTER BENTON CO.,
EMPLOYER RESPONDENT

AIU INSURANCE/GALLAGHER BASSETT
SERVICES, CARRIER/TPA RESPONDENT

OPINION FILED DECEMBER 17, 2024

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

Claimant represented by the HONORABLE EDDIE H. WALKER, JR.,
Attorney at Law, Fort Smith, Arkansas.

Respondents represented by the HONORABLE JAMES A. ARNOLD, II,
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 July 2, 2024. 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 November 1, 2023 and contained in a pre-hearing order filed that same date are hereby accepted as fact.
2. Claimant has failed to meet her burden of proving by a preponderance of the evidence that she suffered a compensable injury to her neck, left shoulder, upper

extremities and back on January 19, 2023 and/or January 20, 2023.

We have carefully conducted a *de novo* review of the entire record herein, and it is our opinion 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 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 July 2, 2024 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

MICHAEL R. MAYTON, 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 she suffered a compensable injury to her neck, left shoulder, upper extremities and back on January 19, 2023, and/or January 20, 2023.

While Claimant did sustain an aggravation to her cervical spine, there is insufficient evidence in the record to prove by a preponderance of the evidence that this aggravation occurred as a result of a specific incident in the course and scope of her employment with the Respondent. To establish a compensable injury by a preponderance of the evidence the Claimant must prove: (1) an injury arising out of and in the course of employment; (2) that the injury caused internal or external harm to the body which required medical services or resulted in disability or death; (3) medical evidence supported by objective findings, as defined in Ark. Code Ann. §11-9-102(16), establishing the injury; and (4) that the injury was caused by a specific and identifiable time and place of occurrence. Ark. Code Ann. § 11-9-102(4)(A)(i). Although there is some evidence in the record to support the Claimant's contention of a specific incident at her place of employment there is also evidence that contradicts this contention. As a result, I cannot find by a preponderance of the credible evidence that the Claimant's injury to her neck, left shoulder, upper extremities and back occurred on either January 19, 2023, or January 20, 2023, and therefore cannot say that the Claimant suffered any compensable injury.

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

M. SCOTT WILLHITE, Commissioner