

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. E512809**

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| <b>LETICIA MOORE SANDERS, EMPLOYEE</b>                      | <b>CLAIMANT</b>   |
| <b>WESTERN STAFF SERVICES, INC., EMPLOYER</b>               | <b>RESPONDENT</b> |
| <b>TRAVELERS INSURANCE COMPANIES,<br/>INSURANCE CARRIER</b> | <b>RESPONDENT</b> |

**OPINION FILED OCTOBER 27, 2003**

Hearing before Administrative Law Judge Dail Stiles on September 25, 2003, in Little Rock, Pulaski County, Arkansas.

Claimant appeared Pro Se.

Respondents represented by Mr. Robert H. Montgomery, Attorney at Law, Little Rock, Arkansas.

A hearing was held on September 25, 2003, to determine the claimant's entitlement to additional benefits.

It was stipulated that the claimant sustained a compensable injury on August 28, 1995. The claimant's wages at the time of the injury were sufficient to entitle her to a weekly temporary total disability benefit of \$173.00.

The respondents accepted the claim as compensable and paid \$519.00 in temporary total disability benefits and approximately \$6,000.00 in medical benefits.

The claimant contends she is entitled to some additional temporary total disability benefits and some physical therapy.

The respondents controvert any additional benefits contending that any additional benefits would be barred by the statute of limitations.

**STATEMENT OF THE CASE**

The claimant was working for Western Staff Services in August of 1995. She was sent by Western Staff Services to a box company, and on August

28, 1995, because of the malfunctioning of a machine, the claimant lost the tips of her middle and ring finger on her right hand. The claimant received medical treatment and some physical therapy.

The claimant agreed that any benefits of any kind were last paid to her in October or November of 1995.

The claimant filed a claim for additional benefits on May 2, 2002.

The claimant said at hearing that she had engaged an attorney at one time and was told by him or someone else that the statute of limitations did not run for the replacement of prosthesis.

### **FINDING OF FACT**

The claimant's claim for additional benefits filed with the Commission on May 2, 2002, is barred by the statute of limitations.

### **DISCUSSION**

Ark. Code Ann. §11-9-702(b)(1), entitled Time for Filing Additional Compensation, is controlling and states:

In cases where any compensation, including disability or medical, has been paid on account of injury, a claim for additional compensation shall be barred unless filed with the Commission within one (1) year from the date of the last payment of compensation, or two (2) years from the date of the injury, whichever is greater.

In this case, the claimant agrees that payment of any benefits of any kind were last made in October or November of 1995, and that she did not file for additional benefits until May 2, 2002. Her claim for additional benefits is clearly barred by the statute of limitations.

The claimant stated at hearing that she had been advised that the statute did not run on replacement of prosthesis, and she was advised correctly. There is no evidence in this case that the claimant ever had been fitted with any type of prosthesis for her compensable injury of August 28, 1995.

The above claim is respectfully denied and dismissed.  
IT IS SO ORDERED.

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DAIL STILES  
Administrative Law Judge