

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. F107458

MARCUS STEEN, EMPLOYEE

CLAIMANT

RODNEY BAGGETT d/b/a BAGGETT CONSTRUCTION,
UNINSURED EMPLOYER

RESPONDENT

JUDGEMENT OPINION FILED AUGUST 31, 2005

Hearing held June 9, 2005, before HONORABLE DALE DOUTHIT, Administrative Law Judge, in Little Rock, Pulaski County, Arkansas.

Claimant, MARCUS STEEN, of Little Rock, Arkansas, appeared pro se.

Respondent made no appearance.

STATEMENT OF THE CASE

The above-styled claim came on for a hearing in Little Rock, Arkansas on June 9, 2005. The claimant appeared pro se; the respondent failed to appear.

The purpose of the June 9, 2005 hearing was to rule on the claimant's motion to reduce Judge McKinney's August 22, 2003 Order to a final liquidated judgment. The August 22, 2003 Order contained the following findings of fact and conclusions of law:

- 1) The claimant was hired by respondent on June 25, 2001.
- 2) Claimant earned an average weekly wage of \$375.00, which computes to a temporary total disability rate of \$250.00 per week.
- 3) Respondent had a sufficient number of employees to bring it within

the jurisdiction of the Arkansas Workers' Compensation Commission.

- 4) Claimant sustained a compensable injury on June 25, 2001, as a result of a specific incident when he fell during the course of his employment and sustained internal and external harm to the body, which required medical services, or resulted in disability and which is supported by objective findings.
- 5) Claimant was within his healing period and totally incapacitated from earning wages from June 25, 2001 through June 25, 2002.
- 6) Claimant is entitled to all reasonable and related necessary medical expenses incurred as the result of his compensable injury of July 25, 2001.
- 7) Claimant is entitled to temporary total disability benefits at the rate of \$250.00 per week for the period of June 26, 2001 through June 25, 2002.

After reviewing Judge McKinney's August 22, 2003 opinion, the claimant has sought to enforce the award pursuant to A.C.A. §11-9-712. However, §11-9-712 does not in any way give the Circuit Court jurisdiction to determine what is a "reasonable and necessary" expense.

At the hearing on August 20, 2003, the claimant submitted \$26,355.17 in medical bills related to his compensable injury. At the June 9, 2005 hearing the claimant again submitted \$26,355.17 in medical bills related to his compensable injury. I find the bills submitted to be reasonable, necessary and related to his compensable injury while working for Rodney Baggett, and hereby grant the claimant a judgment for \$26,355.17, to bear interest at the maximum legal rate, against Rodney Baggett.

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At the hearing on August 20, 2003, the Administrative Law Judge in her August 22, 2003 opinion found the claimant entitled to temporary total disability for 52 weeks at the rate of \$250.00. I hereby find the total liquidated amount of TTD owed to the claimant is \$13,000.00, and hereby award judgment in favor of the claimant against Rodney Baggett for \$13,000.00, plus interest at the maximum legal rate.

Due to the August 22, 2003 Order not containing a final liquidated judgment amount, I hereby make the following findings of fact and conclusions of law with regard to claimant's motion to reduce the August 22, 2003 award to a final judgment pursuant to Baldwin v. Club Products Co., 302 Ark. 404, 790 S.W. 2d 166, (1990).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1) The Arkansas Workers' Compensation Commission has jurisdiction of this matter.
- 2) The findings of fact and conclusions of law stated in the August 22, 2003 Workers' Compensation Commission Opinion and Order are hereby incorporated.
- 3) The claimant is entitled to a final liquidated judgment against Rodney Baggett, or Rodney Baggett d/b/a Baggett Construction, in the total amount of \$39,355.17, plus interest at the maximum legal rate.

Judge McKinney found in her August 22, 2003 Order that the respondent had the required number of employees to fall within the jurisdiction of the Arkansas Workers' Compensation Commission. Therefore, this Administrative Law Judge finds that the

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respondent should have complied with the Rules of the Commission, specifically, the requirement to secure workers' compensation insurance for his employees. Obviously the respondent has not complied and has not ever seen fit to appear at any of the proceedings in this matter before myself or Judge McKinney. This administrative law judge is copying the Compliance Division of the Arkansas Workers' Compensation Commission with a copy of this order so that an investigation can be completed concerning the respondent's non-compliance in securing workers' compensation insurance for his employees. Perhaps an order to show cause is warranted.

JUDGMENT

Claimant sustained a compensable injury on June 25, 2001. Claimant is entitled to judgment against Rodney Baggett or Rodney Baggett, d/b/a Baggett Construction, in the amount of \$39,355.17. All sums herein accrued are payable in lump sum, without discount, and shall draw interest at the maximum legal rate until paid.

IT IS SO ORDERED.

DALE DOUTHIT
Administrative Law Judge

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