

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC CLAIM NO. F411291

MARTY CARTER, EMPLOYEE	CLAIMANT
TRANSPLACE, INC., EMPLOYER	RESPONDENT NO. 1
HARTFORD UNDERWRITERS INSURANCE COMPANY, CARRIER	RESPONDENT NO. 1
C. CLAW, INC., UNINSURED EMPLOYER	RESPONDENT NO. 2

OPINION FILED OCTOBER 30, 2007

A hearing was conducted by Judge Cynthia Rogers who issued an opinion on September 21, 2005 finding that Respondent No. 1, Transplace, was a prime contractor and Respondent No. 2, C-Claw, was a subcontractor. This decision was affirmed and adopted by the Full Commission on March 15, 2006.

The Court of Appeals reversed and remanded this case on April 25, 2007, finding that Transplace was not C-Claw's prime contractor nor the claimant's statutory employer. The mandate directs the appellee (singular) to pay the appellant, Transplace, \$442.00 for the costs on appeal. The mandate, however, lists both Marty Carter and C-Claw as the appellees (plural).

On September 28, 2007, the Full Commission remanded this case to an Administrative Law Judge pursuant to their authority under Ark. Code Ann. §11-9-704(b)(7). The file was assigned to this examiner's office on October 2, 2007. Correspondence was sent to the parties on October 5, 2007, setting a deadline for receipt of prehearing questionnaires and exhibits. The parties declined another hearing and submitted this matter on the record.

The claimant filed a prehearing questionnaire agreeing that Transplace should be dismissed as a party and contending that costs be assessed solely against C-Claw.

Respondent No. 1, Transplace, filed a prehearing questionnaire agreeing that Transplace should be dismissed as a party but contended that both the claimant and C-Claw were responsible for costs.

Respondent No. 2, C-Claw, did not file a prehearing questionnaire, however, Mr. Davis' letter of October 18, 2007 indicates C-Claw has satisfied the award of costs.

Accordingly, I find C-Claw is solely liable for costs and Transplace is hereby dismissed as a party to this claim.

IT IS SO ORDERED.

ELIZABETH W. HOGAN
Administrative Law Judge