

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F203373

JOHN HOUSER,
EMPLOYEE

CLAIMANT

BRUNNER & LAY, INC.,
EMPLOYER

RESPONDENT

ESIS,
INSURANCE CARRIER

RESPONDENT

OPINION FILED JULY 10, 2003

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

Claimant represented by HONORABLE JAY TOLLEY, Attorney at
Law, Fayetteville, Arkansas.

Respondents represented by HONORABLE DIANE GRAHAM, Attorney
at Law, Fort Smith, Arkansas.

Decision of the Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

This case comes on for review by the Full
Commission on appeal by claimant from an opinion filed
herein by an Administrative Law Judge on February 5, 2003.

The Administrative Law Judge entered the following
findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation
Commission has jurisdiction of this
claim.

2. On April 11, 2000, the relationship of employee-employer-carrier existed between the parties.
3. The claimant is entitled to a compensation rate of \$231.00 for temporary total disability and \$173.00 for permanent partial disability.
4. This case is barred by the statute of limitations. Arkansas law states that a claim for benefits must be filed with the Commission within two years from the date of injury. The claimant has clearly stated that his injury occurred on April 11, 2000, and his claim was not filed with this Commission until April 16, 2002, which is outside the statutory time. Therefore, this claim is barred.

In this case, we have reviewed the record de novo, weighing the evidence impartially and without giving the benefit of the doubt to either party. Ark. Code Ann. § 11-9-704(c) and Fowler v. McHenry, 22 Ark. App. 196, 737 S.W.2d 663 (1987). It is our opinion that the decision of the Administrative Law Judge is correct 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. Accordingly, we affirm and adopt the

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decision of the Administrative Law Judge filed February 5, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

JOE E. YATES, Commissioner

Commissioner Turner dissents.