

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F200408/F206480

GARY JOHNSON,  
EMPLOYEE

CLAIMANT

ALEXANDER TRUCKING,  
EMPLOYER

RESPONDENT #1

AMERICAN INTERSTATE INS.,  
INSURANCE CARRIER

RESPONDENT #1

WHITE TRUCKING,  
UNINSURED EMPLOYER

RESPONDENT #2

CORNHUSKER MOTOR LINE,  
EMPLOYER

RESPONDENT #3

FAIRFIELD INSURANCE CO.,  
INSURANCE CARRIER

RESPONDENT #3

OPINION FILED NOVEMBER 13, 2003

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

Claimant represented by HONORABLE RICHARD S. MUSE and  
HONORABLE SHANNON MUSE CARROLL, Attorneys at Law, Hot  
Springs, Arkansas.

Respondents No. 1 represented by HONORABLE MICHAEL E.  
RYBURN, Attorney at Law, Little Rock, Arkansas.

Respondents No. 2 and 3 represented by HONORABLE CHARLES J.  
LINCOLN, Attorney at Law, Little Rock, 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 Respondents No. 1 from an opinion

filed herein by an Administrative Law Judge on February 19, 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 November 20, 2001, the relationship of employee-employer-carrier existed among claimant and Respondents No. 1.
3. On November 20, 2001 the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$367.00/\$275.00 for temporary total disability/permanent partial disability benefits.
4. On November 20, 2001 the claimant sustained an injury arising out of and in the course of his employment.
5. On April 28, 2002, the employee-employer relationship existed between the claimant and respondent No. 2, White Trucking Company, an uninsured employer. The claimant did not suffer a new injury or aggravation of a preexisting condition while in the employment of respondent No. 2.
6. On April 28, 2002, the employee-employer-carrier relationship existed among the claimant and respondents No. 3. The claimant did not suffer a new injury or aggravation of a preexisting condition while in the employment of respondents No. 3, but a

recurrence of his November 20, 2001, compensable injury.

7. On April 28, 2002, the claimant suffered a recurrence of the November 20, 2001, compensable injury and was rendered temporarily totally disabled from April 30, 2002 through September 30, 2002.
8. The respondents #1 shall pay all reasonable hospital and medical expenses arising out of the injury of November 20, 2001, and recurrence of April 28, 2002.
9. The respondents #1 have controverted the payment of all workers' compensation benefits relative to the compensable April 28, 2002 recurrence.

We have carefully conducted a de novo review of the entire record herein, and 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.

We therefore affirm the February 19, 2003 opinion of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the opinion as the decision of the Full Commission. All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of

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the Administrative Law Judge's decision in accordance with  
Ark. Code Ann. § 11-9-809 (Repl. 2002).

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.