

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F200915 & F202992

KEVIN REEME, EMPLOYEE	CLAIMANT
EL DORADO PAPER BAG MFG. CO., INC., EMPLOYER	RESPONDENT NO.1
WAUSAU INSURANCE COMPANIES, INSURANCE CARRIER	RESPONDENT NO. 1
THE ST. PAUL COMPANIES, CARRIER	RESPONDENT NO. 2

OPINION FILED SEPTEMBER 24, 2003

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

Claimant represented by HONORABLE ZAN DAVIS, Attorney at
Law, Little Rock, Arkansas.

Respondents No. 1 represented by HONORABLE GUY WADE,
Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE JOE KILPATRICK,
Attorney at Law, Little Rock, AR 72201.

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 21, 2003.

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

1. The stipulations agreed to by the parties at the prehearing telephone conference conducted on October 14, 2002, and contained in the Prehearing Order filed that same date are hereby accepted as fact.
2. Respondent-carrier No. 1 did not pay any medical or indemnity benefits to or on behalf of the claimant for the December 10, 1998, injury or thereafter.
3. Claimant received medical treatment for the December 10, 1998, injury.
4. Claimant and Respondent-carrier No. 1 have failed to prove by a preponderance of the evidence that the claimant sustained a new injury or aggravation in July of 2001 when Respondent No. 2 was on the risk.
5. Claimant filed an AR-C claim for benefits as a result of the December 10, 1998, injury on February 1, 2002.
6. The statute of limitations ran on this claim on December 10, 2000.
7. Claimant did not file his claim for benefits until after the statute of limitations ran on this claim.
8. Claimant has failed to prove by a preponderance of the evidence that Respondent-carrier No. 1 is estopped from denying benefits based on the statute of limitations.

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 decision of the Administrative Law Judge filed February 21, 2003, and this claim is denied and dismissed.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

JOE E. YATES, Commissioner

Commissioner Turner dissents.