

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F004210

LONNIE JACKSON, EMPLOYEE	CLAIMANT
MID SOUTH ROLLER, EMPLOYER	RESPONDENT
UNION STANDARD INS. CO., CARRIER	RESPONDENT

ORDER FILED FEBRUARY 4, 2004

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

Claimant represented by HONORABLE RANDY SHOCK, Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE WILLIAM FRYE, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full Workers' Compensation Commission on remand from the Arkansas Court of Appeals. In an opinion delivered in this case on December 17, 2003, the Arkansas Court of Appeals reversed the decision of the Full Commission and remanded this case to the Commission for an award of benefits. The Court of Appeals specifically found that the claimant proved by a preponderance of the evidence that he sustained a compensable injury.

In an opinion dated April 3, 2002, an Administrative Law Judge found that the claimant proved by a preponderance of the evidence that he sustained a compensable injury on April 7, 2000. On April 1, 2003, the

Full Workers' Compensation Commission reversed the decision of the Administrative Law Judge and found that the claimant failed to prove by a preponderance of the evidence that he sustained a compensable injury. The claimant then appealed the Full Commission's decision to the Arkansas Court of Appeals. The Court of Appeals found:

...We do not think that fair-minded persons with the same facts before them could have concluded that appellant failed to prove by a preponderance of the evidence that he suffered a compensable injury on April 7, 2000. We, therefore, reverse and remand for an award of benefits.

Therefore, the Full Commission finds that the claimant proved by a preponderance of the evidence that the claimant sustained a compensable injury on April 7, 2000. The respondents are directed to comply with the award set forth in the opinion of the Administrative Law Judge.

For prevailing on this appeal before the Full Commission, claimant's attorney is hereby awarded an additional attorney's fee in the amount of \$250.00 in accordance with Ark. Code Ann. § 11-9-715 (Repl. 1996).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner