

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F211780

KENNETH NEESE, EMPLOYEE	CLAIMANT
CURT BEAN TRANSPORT, EMPLOYER	RESPONDENT NO. 1
COMPENSATION MANAGERS, INC, CARRIER	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2

ORDER FILED JUNE 28, 2004

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

Claimant represented by the HONORABLE EDDIE H. WALKER, JR. , Attorney at Law, Fort Smith, Arkansas.

Respondent No. 1 represented by the HONORABLE WALTER MURRAY, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE JUDY RUDD, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full Workers' Compensation Commission on respondent no. 2, the Second Injury Fund's, motion to supplement the record. After considering the respondent's motion, the lack of response from the respondent no. 1 and the claimant, we find that the motion of respondent no. 2 should be granted.

In their motion to supplement the record, respondent no. 2 states that the parties entered into an agreed upon order regarding the payment of permanent partial anatomical impairment rating by respondent no. 1. This

agreed upon order was filed on or about December 15, 2003. We would note that the record does not contain any sort of a file-marked copy. The agreed upon order was submitted to the Commission in two forms. One order, which bears the signatures of all three attorneys, reflects a "Received December 16, 2003" stamp by the Arkansas Workers' Compensation Commission, but is not signed by the Judge; the second order, which bears the signature of Judge Danielson, indicates the "Order Filed December ____, 2003."

In its motion to supplement the record, respondent no. 2 states that the agreed order was not made a formal part of the record at the February 19, 2004 hearing. The motion states that this agreed order is critical for a complete assessment of the issues presented to the Commission on appeal. The other parties have not made any response to the May 17, 2004, motion. Therefore, after we consider respondent no. 2's motion and all other matters properly before the Commission, we find that the motion to supplement the record with the agreed order should be and hereby is granted. Accordingly, both copies of the Agreed to Order have been blue-backed and are hereby made a part of the record by reference.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner