

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F011701

CLYDE O. COX, EMPLOYEE	CLAIMANT
DEQUEEN SAND & GRAVEL CO., EMPLOYER	RESPONDENT NO. 1
ST. PAUL MERCURY INS. CO., CARRIER	RESPONDENT NO. 1

ORDER FILED SEPTEMBER 28, 2005

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

Claimant represented by HONORABLE GREGORY R. GILES, Attorney at Law, Texarkana, Arkansas.

Respondent No. 1 represented by HONORABLE JOSEPH E. KILPATRICK, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full Commission on claimant's Motion for Clarification of the decision rendered by the Full Commission on August 1, 2005. The respondent has not responded to the motion and the Death and Permanent Disability Trust Fund has indicated they have no objection to the claimant's motion.

In the August 1, 2005 decision, the Commission found that the claimant would be entitled to 50% wage loss benefits and a 50% impairment rating. The Commission further found that those two percentages combined would in

essence make the claimant permanently and totally disabled. However, the Commission did not specifically indicate that the claimant would be eligible for permanent and total disability benefits pursuant to Ark. Code Ann. §11-9-519. The pertinent language of that decision reads as follows:

Therefore, we find the claimant is entitled to wage-loss benefits in the amount of 50%. Thus when this is combined with the impairment rating, the claimant is now permanently and totally disabled.

The claimant is now seeking clarification of the decision with regard to the language awarding benefits. After considering the claimant's motion, the respondent's lack of response thereto, and all other matters properly before the Commission, we grant the claimant's Motion for Clarification. Accordingly, the decision is amended to read as follows:

Therefore, we find the claimant is entitled to wage-loss benefits in the amount of 50%. Thus when this is combined with the impairment rating, the claimant is now permanently and totally disabled. Accordingly, this order hereby directs respondent to pay the claimant permanent and total disability benefits pursuant to Ark. Code Ann. §11-9-519.

Accordingly, we find that the respondent's Motion for Clarification should be and is hereby granted.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner