

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E806348

ORMOND MARSHALL, EMPLOYEE	CLAIMANT
CARSON EQUITIES, LLC, EMPLOYER	RESPONDENT
HOUSTON GENERAL INSURANCE COMPANY, INSURANCE CARRIER CUNNINGHAM LINDSEY CLAIMS MANAGEMENT, TPA	RESPONDENT NO. 1
SQUIRE COURT LIMITED PARTNERSHIP	RESPONDENT NO. 2

OPINION FILED APRIL 11, 2005

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

Claimant represented by HONORABLE LAMAR PORTER, Attorney at Law, Little Rock, Arkansas.

Respondent No. 1 represented by HONORABLE JOHN D. DAVIS, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE MEL SAYES, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant and Respondent No. 1 appeal from a decision of the Administrative Law Judge filed May 28, 2004.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction over this matter.

2. On the date of injury, Ormond Marshall was jointly employed by both Carson Equities and Squire Court Limited Partnership.
3. Claimant was under contract with Carson Equities, from whom he received a paycheck, to perform renovation work at two apartment complexes, Squire Court One and Squire Court Two, which were owned by Squire Court Limited Partnership.
4. Simultaneous with his employment with Carson Equities, Claimant was employed by Squire Court Limited Partnership to perform renovation work in a specific apartment in the Squire Court properties, for which he was remunerated by being allowed to live rent-free in that apartment.
5. Claimant was under simultaneous control of both Carson Equities and Squire Court Limited Partnership, and simultaneously performed duties for both employers, as the services for each employer were closely related one to another.

We have carefully conducted a de novo review of the entire record herein and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies the law, 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.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.