

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F100768

ROGER UCETTA,  
EMPLOYEE

CLAIMANT

AIR TRANSPORT INTERNATIONAL,  
EMPLOYER

RESPONDENT NO. 1

LIBERTY MUTUAL INSURANCE CO.,  
INSURANCE CARRIER

RESPONDENT NO. 1

SECOND INJURY FUND

RESPONDENT NO. 2

DEATH & PERMANENT TOTAL  
DISABILITY TRUST FUND

RESPONDENT NO. 3

OPINION FILED NOVEMBER 15, 2005

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

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

Respondents No. 1 represented by the HONORABLE MICHAEL  
E. RYBURN, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE TERRY  
PENCE, Attorney at Law, Little Rock, Arkansas.

Respondent No. 3 represented by the HONORABLE JUDY W.  
RUDD, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and  
Adopted.

## OPINION AND ORDER

Respondent No. 3 appeals an opinion and order of  
the Administrative Law Judge filed August 25, 2005. In  
said order, the Administrative Law Judge made the  
following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On May 30, 2000, the relationship of employee-employer-carrier existed among the claimant and Respondents #1.
3. On May 30, 2000, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$394.00/\$295.00 for total/permanent partial disability.
4. The claimant has been paid indemnity benefits by Respondents #1 relative to temporary total disability, as well as indemnity benefits to correspond with his 15% whole body anatomical impairment growing out of the May 30, 2000, compensable injury.
5. Respondents #1 shall pay all reasonable hospital and medical expenses arising out of the injury of May 30, 2000.
6. The claimant's healing period ended on February 20, 2003, and resulted in a 15% whole body permanent physical impairment.
7. When the claimant's age, education, work experience, and other matters reasonably expected to affect the claimant's future earning capacity, the claimant has been permanently totally disabled within the purview of the Arkansas Workers' Compensation statutes.
8. Respondent #2, the Second Injury Fund, has no liability in this claim.
9. Respondent #1 is entitled to a credit for the amount paid toward the claimant's anatomical impairment rating against the first \$75,000.00 of permanent and total disability benefits it must pay to the claimant.

10. Respondent #1 has controverted the claimant's entitlement to permanent disability benefits in excess of the 15% anatomical impairment.

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.

Therefore we affirm and adopt the August 25, 2005 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.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

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KAREN H. MCKINNEY, Commissioner