

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F400944

PATRICIA COLLETTE,
EMPLOYEE

CLAIMANT

COTTAGE CAFÉ, INC.,
EMPLOYER

RESPONDENT NO. 1

FARMERS INSURANCE GROUP,
INSURANCE CARRIER

RESPONDENT NO. 1

SOUTHERN GUARANTY INSURANCE CO.,
INSURANCE CARRIER

RESPONDENT NO. 2

OPINION FILED MARCH 13, 2006

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

Claimant represented by the HONORABLE J. RANDOLPH SHOCK,
Attorney at Law, Fort Smith, Arkansas.

Respondents No. 1 represented by the HONORABLE CAROL LOCKARD
WORLEY, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE ANDREW IVEY,
Attorney at Law, Little Rock, Arkansas.

OPINION AND ORDER

This case is presently before the Full Commission on
remand from the Arkansas Court of Appeals. In an opinion
dated February 1, 2006, the Court of Appeals reversed and
remanded the case to the Full Commission directing it to
determine the respective liability of the insurers based on

a finding as to when the claimant became aware of the injury pursuant to the standard enunciated in Pina v. Wal-Mart Stores, Inc., ___ Ark. App. ___, S.W.3d ___, ___ (May 11, 2005).

Therefore, in accordance with this mandate from the Court of Appeals, the Full Commission finds that pursuant to the standard enunciated in Pina, the claimant's compensable gradual-onset injury legally commenced when she became aware of the injury. Claimant had been complaining about this for eight or nine months prior to September, 2003. As a result, Southern Guaranty Insurance Group/Respondent No. 2 is liable for the compensation and benefits awarded. Accordingly, we affirm the opinion of the administrative law judge.

_____IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner