

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F101301

MIKE MOSLEY, EMPLOYEE

CLAIMANT

GEORGIA PACIFIC CORPORATION,
A SELF INSURED EMPLOYER

RESPONDENT NO. 1

SEDGWICK CLAIMS MANAGEMENT SERVICES, TPA

RESPONDENT NO. 2

ORDER FILED JUNE 21, 2006

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

Claimant represented by HONORABLE G. CHADD MASON, Attorney at Law, Fayetteville, Arkansas.

Respondent No. 1 represented by HONORABLE SUSAN M. FOWLER, Attorney at Law, Little Rock, Arkansas.

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

ORDER

Presently before the Commission is Respondent No. 2's, The Death and Permanent Total Disability Trust Fund, Motion to Dismiss its appeal to the Full Commission. After consideration of Respondent No. 2's Motion, Claimant's and Respondent No. 1's responses filed thereto, and all other matters properly before the Commission, we find that Respondent No.2's Motion is well taken and should be granted.

Respondent No. 2 filed a timely appeal of the Administrative Law Judge's March 28, 2006, decision wherein she found that Respondent No. 2's liability for permanent and total disability benefits were to begin upon respondent No. 1's payment of \$75,000 in permanent anatomical impairment benefits. In a decision rendered on May 10, 2006, the Arkansas Court of Appeals held in Death and Permanent Total Disability v. Legacy Insurance, et al, that the Death and Permanent Total Disability Trust Fund's liability for benefits commenced once the carrier or self-insured employer paid a total of \$75,000 in permanent benefits which included payment towards the anatomical impairment. As this decision is dispositive of the issues before the Commission on this claim, it renders moot Respondent No. 2's present appeal. Both the Claimant and Respondent No. 1 have filed no objection to Respondent No. 2's motion.

Accordingly, we find that Respondent No. 2's Motion to Dismiss its appeal to the Full Commission must be and hereby is granted.

Mosley - F101301

-3-

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

KAREN H. MCKINNEY, Commissioner