

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E902208

OMA MYERS,
EMPLOYEE

CLAIMANT

RUSSELLVILLE PUBLIC SCHOOLS,
EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES,
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED JANUARY 17, 2006

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

Claimant represented by the HONORABLE JAMES PATE,
Attorney at Law, Russellville, Arkansas.

Respondents represented by the HONORABLE CAROL L.
WORLEY, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the
Administrative Law Judge filed August 24, 2005. In said
order, the Administrative Law Judge made the following
findings of fact and conclusions of law:

1. The parties will stipulate to the
employer/employee relationship on 2/11/99,
when claimant sustained a compensable
injury to her right shoulder.

2. Claimant's average weekly wage was \$207.64, and her compensation rate is therefore \$138.00.

3. The claimant's attorney's letter addressed to Faydeane Gray of the Workers' Compensation Commission requesting a hearing in this case was filed with the Commission on September 3, 2003.

4. The statute of limitations bars the present claim for additional benefits filed with the Commission on September 3, 2003.

5. The respondents are not estopped from asserting the statute of limitations as an affirmative defense to the present claim.

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 24, 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.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.