

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F312928

JERALD E. WILSON, EMPLOYEE	CLAIMANT
CORNERSTONE MASONRY, EMPLOYER	RESPONDENT
FIRSTCOMP INSURANCE CO., CARRIER	RESPONDENT

**ORDER FILED MAY 5, 2006**

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

Claimant represented by HONORABLE EDDIE WALKER, JR., Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE WILLIAM FRYE, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full Workers' Compensation Commission on remand from the Arkansas Court of Appeals. In an opinion delivered in this case on March 22, 2006, the Arkansas Court of Appeals reversed the decision of the Full Commission and remanded this case to the Commission for an award of benefits. The Court of Appeals specifically found that the claimant proved by a preponderance of the evidence that he sustained a compensable injury.

In an opinion dated July 7, 2004, an Administrative Law Judge found that the claimant proved by a preponderance of the evidence that he sustained a

compensable injury on July 23, 2003. On May 11, 2005, the Full Workers' Compensation Commission reversed the decision of the Administrative Law Judge and found that the claimant failed to prove by a preponderance of the evidence that he sustained a compensable injury. The claimant then appealed the Full Commission's decision to the Arkansas Court of Appeals. The Court of Appeals found:

...Reasonable minds could not reach the Commission's decision to deny benefits where the Commission reached its rational based solely on conclusions not supported by the evidence and where there is no testimony or other evidence in the record that supports the denial of benefits. Accordingly, we remand for award of benefits.

Therefore, the Full Commission finds that the claimant proved by a preponderance of the evidence that the claimant sustained a compensable injury on July 23, 2003. The respondents are directed to comply with the award set forth in the opinion of the Administrative Law Judge.

For prevailing on this appeal before the Full Commission, claimant's attorney is hereby awarded an additional attorney's fee in the amount of \$500.00 in accordance with Ark. Code Ann. § 11-9-715 (Repl. 2002).

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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