

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F306316

HOWARD I. BENNETT,
EMPLOYEE

CLAIMANT

WAL-MART STORES, INC.,
EMPLOYER

RESPONDENT

CLAIMS MANAGEMENT, INC.,
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED JANUARY 31, 2007

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

Claimant appears pro se.

Respondents represented by the HONORABLE ANDREW IVEY,
Attorney at Law, Little Rock, Arkansas.

ORDER

The respondents appeal an administrative law judge's opinion filed November 14, 2006. The administrative law judge found that the claimant failed to prove he sustained a cervical injury arising out of and in the course of the claimant's employment. The administrative law judge also found that the claim was not barred by the statute of limitations or *res judicata*.

The claimant has not appealed the administrative law judge's denial and dismissal of the claim. The respondents argue in their appeal that the statute of limitations bars the claim. A case becomes moot when any judgment rendered

would have no practical legal effect upon a then-existing legal controversy. *Quinn v. Webb Wheel Prods.*, 334 Ark. 573, 976 S.W.2d 386 (1998). The Supreme Court of Arkansas has recognized two exceptions to the mootness doctrine, one of which involves issues that are capable of repetition, yet evade review. *See, Cotten v. Fooks*, 346 Ark. 130, 55 S.W.3d (2001). The other mootness exception concerns issues that raise considerations of substantial public interest which, if addressed, would prevent future litigation. *See, Id.*

The Full Commission finds that neither recognized exception to the mootness doctrine applies in the instant matter. The claimant has not appealed the administrative law judge's denial and dismissal of the claim. We find that the statute of limitations issue raised by the respondents is moot. The Full Commission therefore dismisses the respondents' appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner