

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F405689

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| JOHN D. JONES, EMPLOYEE                   | CLAIMANT   |
| XTREME PIZZA DBA DOMINO'S PIZZA, EMPLOYER | RESPONDENT |
| AMERICAN HOME ASSURANCE CO., CARRIER      | RESPONDENT |

**ORDER FILED JANUARY 19, 2007**

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

Claimant represented by HONORABLE THOMAS W. MICKEL, Attorney at Law, Conway, Arkansas.

Respondent represented by HONORABLE R. SCOTT MORGAN, Attorney at Law, Pine Bluff, 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 December 20, 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 June 23, 2005, an

Administrative Law Judge found that the claimant proved by a preponderance of the evidence that he sustained a compensable injury on August 20, 2003. On February 23, 2006, 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 that the Commission erred in denying benefits.

Therefore, the Full Commission finds that the claimant proved by a preponderance of the evidence that the claimant sustained a compensable injury on August 20, 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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KAREN H. McKINNEY, Commissioner

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PHILIP A. HOOD, Commissioner