

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F500501

JERRY D. SLAUGHTER (DEC'D), EMPLOYEE	CLAIMANT
CITY OF HAMPTON, EMPLOYER	RESPONDENT
MUNICIPAL LEAGUE WC TRUST, INSURANCE CARRIER	RESPONDENT

OPINION FILED OCTOBER 9, 2007

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

Claimant represented by the HONORABLE F. MATTISON THOMAS,
III, Attorney at Law, El Dorado, Arkansas.

Respondents represented by the HONORABLE J. CHRIS BRADLEY,
Attorney at Law, North Little Rock, Arkansas.

Decision of Administrative Law Judge: Reversed.

OPINION AND ORDER

The Arkansas Court of Appeals has reversed the Full
Commission in the above-styled matter and has remanded for
proceedings consistent with the Court's opinion. *Estate of
Jerry Slaughter v. City of Hampton*, CA06-1077 (April 25,
2007).

In accordance with the remand from the Court of
Appeals, the Full Commission reverses the administrative law

judge's finding that there was not a compensable injury. The Full Commission finds that Jerry Slaughter sustained a compensable injury pursuant to Ark. Code Ann. §11-9-114. Mr. Slaughter's estate proved that he was entitled to temporary total disability compensation from December 9, 2004 until his death on January 15, 2005. The claimant's estate proved that the claimant was entitled to reasonably necessary medical treatment pursuant to Ark. Code Ann. §11-9-508(a). The employer shall pay the actual funeral expenses not exceeding the sum of six thousand dollars (\$6,000). See, Ark. Code Ann. §11-9-527(a).

La'Ronda Slaughter did not prove she was entitled to compensation pursuant to Ark. Code Ann. §11-9-527(c), because La'Ronda was not legally married to Jerry at the time of his compensable injury. See, Ark. Code Ann. §11-9-527(h).

The claimant's attorney is entitled to fees for legal services pursuant to Ark. Code Ann. §11-9-715(Repl. 2002). For prevailing on appeal to the Full Commission, the claimant's attorney is entitled to an additional fee of five hundred dollars (\$500), pursuant to Ark. Code Ann. §11-9-715(b) (2) (Repl. 2002).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood concurs in part and dissents in part .

CONCURRING AND DISSENTING OPINION

_____I must respectfully concur in part and dissent in part from the Majority opinion. Specifically, I agree with the finding that the claimant sustained a compensable injury for which he is entitled to medical, temporary total disability benefits, and funeral expenses related to his compensable injury. However, I must dissent from the portion of the decision finding that the claimant's widow is not entitled to dependency benefits.

In my opinion, the date of injury should be determined as of the date of death. To rule otherwise would circumvent the reason for the existence of dependency benefits-which is to compensate the injured workers' dependents for loss of monetary support due to

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a compensable injury. Furthermore, given the fact that the evidence clearly shows that Mrs. Slaughter was dependent on the claimant at the time of his accident and that they were married at the time he died, I believe that the Majority's application of Ark. Code Ann. §11-9-527 (h) reaches unjust and overly harsh results.

_____Accordingly, I respectfully concur in part and dissent in part.

PHILIP A. HOOD, Commissioner