

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F609387

JEFFREY L. MARTIN, EMPLOYEE CLAIMANT

LINAM'S FLOOR COVERING, INC.,  
AND ROBERT E. LINAM, INDIVIDUALLY,  
AND D/B/A LINAM'S FLOOR COVERING  
UNINSURED EMPLOYER RESPONDENT

ORDER FILED APRIL 1, 2008

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

Claimant represented by HONORABLE PHILIP M. WILSON,  
Attorney at Law, Little Rock, Arkansas.

Respondent No. 1 represented by HONORABLE GARY J.  
BARRETT, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full  
Workers' Compensation Commission on the claimant's  
motion to require a bond as a condition to respondent's  
appeal to the Full Commission.

After our consideration of the claimant's  
motion, respondents' response to claimant's request, and  
all other matters properly before the Commission, we  
find that claimant's motion should be granted.

On January 30, 2008, the Administrative Law Judge found, among other things, that on August 11, 2006, the respondent was engaged in building or building repair work and employed two (2) or more, employees, thereby bringing its operation within the jurisdiction of the Arkansas Workers' Compensation Commission pursuant to Ark. Code Ann. §11-9-102 (11) (B); that on August 11, 2006 the relationship of employee-employer existed between the claimant and Robert E. Linam, d/b/a/ Linam's Floor Covering; respondent did not have in place a policy of workers' compensation insurance nor was he an authorized self-insured employer on August 1, 2006, but rather was an uninsured employer; that on August 11, 2006 the claimant sustained an injury arising out of and in the course of his employment; that the claimant was temporarily totally disabled for the period commencing August 12, 2006, and continuing through October 26, 2006, for a total of eleven (11) weeks, and correspondingly entitled to the payment of \$2,057.00 in indemnity benefits; the claimant reached the end of his healing period on October 26, 2006, with a 32% permanent impairment to the left index finger entitling him to corresponding indemnity benefits in the amount of

\$2,119.04; and that the respondent shall pay all reasonably necessary medical expenses arising out of the August 11, 2006 compensable injury of the claimant. Respondent has appealed to the Full Commission. Claimant has filed the present motion seeking a bond to ensure payment of the Administrative Law Judge's award.

Ark. Code Ann. §11-9-808 (Rep. 2007) provides that "[t]he Workers' Compensation Commission may require any employer to make a deposit or bond with the commission to secure the prompt and convenient payment of compensation, and payment shall be made upon order of the commission."

In granting claimant's request, we note that respondent is an uninsured employer and, consequently, is in violation of the Arkansas Workers' Compensation Act and subject to sanctions under Ark. Code Ann. §11-9-406 (Repl. 2007). Further, we note that respondent has been ordered by the Administrative Law Judge to pay the expenses for medical treatment, temporary total disability benefits, permanent partial disability benefits, and attorney fees.

We therefore find that a deposit or bond is necessary to guarantee payment of sums which respondent

has been ordered to pay. Respondent is hereby ordered and directed to immediately make a deposit or post a bond in an amount and form which is satisfactory to the Commission to guarantee the payment of all sums which respondent has been ordered to pay. The amount of this deposit or bond must be sufficient to guarantee payment of the entire award of the Commission. Respondent has the obligation to provide the Commission with evidence that it has complied with this Order, and the Clerk of the Commission shall not submit this case for a decision on the merits until such evidence is received and approved by the Commission. Respondent shall have 10 days within which to comply with this Order. If respondent fails to comply with this Order, the claimant may file a motion to dismiss respondent's appeal to the Commission.

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