

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F400931

JOHN RIMA,  
EMPLOYEE

CLAIMANT

M & S FRAMERS, INC.,  
UNINSURED EMPLOYER

RESPONDENT NO. 1

ARNOLD MERRELL & LENORE MERRELL,  
INDIVIDUALLY & D/B/A MERRELL & CO., P.A.,  
MERRELL CONSTRUCTION CO., INC. & GOURMET  
ENTERPRISES,  
UNINSURED EMPLOYER

RESPONDENT NO. 2

OPINION FILED DECEMBER 2, 2008

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

Claimant represented by the HONORABLE HERBERT C. RULE,  
III, Attorney at Law, Little Rock, Arkansas.

Respondent No. 1 represented by the HONORABLE KEVIN M.  
O'DWYER, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE FRANK B.  
NEWELL, Attorney at Law, Little Rock, Arkansas.

## ORDER

This case comes before the Full Commission on  
Respondent No. 2's Motion for Clarification of  
Attorney's Fee Award. Claimant sought benefits from an  
injury, mainly seeking to determine who's employee he  
was. He also requested reasonable and necessary medical  
benefits and indemnity benefits. After a hearing, the  
administrative law judge found that claimant indeed

suffered a compensable injury, awarded reasonable and necessary medical benefits as well as temporary total disability benefits. The administrative law judge also found that claimant was an employee of Respondent No. 1 and that Respondent No. 2 has no liability. Thus, the law judge specifically found that Respondent No. 1 should pay all attorney fee awards.

On appeal, the Full Commission affirmed and adopted the opinion of the administrative law judge. We also awarded claimant's attorney a fee for prevailing on appeal. Respondent No. 2 has now requested clarification of this award. Since we agreed with the administrative law judge that Respondent No. 1 should pay all attorney's fee awards, we shall make it clear who is to pay the award on appeal.

After considering Respondent No. 2's motion, response by claimant, lack of response from Respondent No. 1 and all other matters properly before the Commission, we find Respondent No. 1 responsible for the attorney fee awarded on appeal.

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

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