

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. F500021

|  |                  |
|--|------------------|
| STEVE CRAWFORD, EMPLOYEE                         | CLAIMANT         |
| SUPERIOR INDUSTRIES,<br>EMPLOYER                 | RESPONDENT NO. 1 |
| REGIONS CLAIMS MANAGEMENT,<br>CARRIER/TPA        | RESPONDENT No. 1 |
| DEATH & PERMANENT TOTAL DISABILITY<br>TRUST FUND | RESPONDENT NO. 2 |

OPINION FILED OCTOBER 21, 2010

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

Claimant represented by the HONORABLE, KENNETH OSBORNE  
Attorney at Law, Fayetteville, Arkansas.

Respondents No. 1 represented by the HONORABLE CURTIS  
NEBBEN, Attorney at Law, Fayetteville, Arkansas.

Respondents No. 2 represented by the HONORABLE CHRISTY KING,  
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals and respondent cross appeals from  
a decision of the Administrative Law Judge filed July 2,  
2010.

The Administrative Law Judge entered the following  
findings of fact and conclusions of law:

1. The stipulations agreed to by the parties at the prehearing conference conducted on December 30, 2009, and contained in a pre-hearing order filed December 31, 2009, are hereby accepted as fact. An amended pre-hearing order was filed on March 29, 2010.
2. The claimant has failed to prove by a preponderance of the evidence that he is permanently and totally disabled.
3. The claimant has proven that he has suffered a loss in wage earning capacity as a result of his compensable injuries in an amount equal to 18 percent impairment to the body as a whole.
4. The claimant's attorney is entitled to an attorney's fee in an amount commiserate with the benefits given herein and the Arkansas Workers' Compensation Act.

We have carefully conducted a de novo review of the entire record herein and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings of fact made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and

conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

---

A. WATSON BELL, Chairman

---

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.

---

**DISSENTING OPINION**

I must respectfully dissent from the majority opinion. I would award the claimant 50% wage-loss disability benefits. Pursuant to Ark. Code Ann. §11-9-522(b)(1) the Commission has the authority to increase a claimant's disability rating when a claimant has been assigned an anatomical impairment rating to the body as a whole. See Lee V. Alcoa Extrusion, Inc., 89 Ark. App. 228, 201 S.W.3d 449 (2005). The wage-loss factor is the extent to which a compensable injury has affected the claimant's ability to earn a livelihood. Id. In determining wage-loss disability, the Commission may take into consideration such factors as the claimant's age, education, work experience,

and other matters reasonably expected to affect his or her future earning capacity. Ark. Code Ann. §11-9-522(b)(1). Such other matters include motivation, post-injury income, credibility, demeanor, and a multitude of other factors. Glass v. Edens, 233 Ark. 786, 346 S.W.2d 685 (1961); City of Fayetteville v. Guess, 10 Ark. App. 313, 663 S.W.2d 946 (1984); Curry v. Franklin Electric, 32 Ark. App. 168, 798 S.W.2d 130 (1990), 54 Ark. App. 130, 923 S.W.2d 886 (1996).

The claimant was forty-three years old at the time of the hearing. Due to his compensable left shoulder, neck and carpal tunnel syndrome injuries, he will be unable to return to the heavy manual labor jobs he has performed in the past. As such, I find, based on the claimant's injuries, age, education and work experience that he is entitled to wage-loss disability benefits in the amount of 50%.

For the aforementioned reasons I must respectfully dissent.

---

PHILIP A. HOOD, Commissioner