

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F701104

KEITH A. GUNTER, EMPLOYEE	CLAIMANT
REPLACEMENT PARTS, INC., EMPLOYER	RESPONDENT NO. 1
SENTRY INSURANCE COMPANY, INSURANCE CARRIER/TPA	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2

ORDER FILED JULY 27, 2010

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

Claimant represented by the HONORABLE J. MARK WHITE, Attorney at Law, Bryant, Arkansas.

Respondent No. 1 represented by the HONORABLE WILLIAM C. BIRD, III, Attorney at Law, Little Rock, Arkansas.

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

ORDER

This matter comes on for review before the Commission on claimant's Motion for Attorney's Fees. The respondent has filed a response thereto. After our consideration of claimant's motion and respondent's response thereto and all other matters properly before the Commission, we find that claimant's motion should be denied.

Respondent No. 1 did not seek review of the entire award as asserted by the claimant in its Motion for Attorney's Fees. The issue under review by respondent No. 1's appeal had no bearing on the award due the claimant. The appeal only related to who was liable to pay the award. Regardless of the Full Commission's ruling on respondent No. 1's appeal, the claimant would still be entitled to the full amount of benefits awarded under the Administrative Law Judge's Order.

The claimant cross-appealed the Administrative Law Judge's decision, seeking review of the amount of wage-loss benefits awarded under the Order of November 30, 2009. Because the Full Commission affirmed the Administrative Law Judge's Order in its entirety and did not increase the benefits due the claimant, the claimant did not prevail on this issue presented by its cross-appeal.

For these reasons, the claimant is not the prevailing party on appeal and is not entitled to an award of attorney's fees.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.