

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. D815242

CLAY JACKSON, EMPLOYEE	CLAIMANT
CHARLES BROOKS COMPANY, EMPLOYER	RESPONDENT
GALLAGHER BASSETT SERVICES, INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED SEPTEMBER 2, 2010

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

Claimant appeared *pro se*.

Respondent represented by the HONORABLE BRIAN H. RATCLIFF, Attorney at Law, El Dorado, Arkansas.

Decision of Administrative Law Judge: Affirmed as modified.

OPINION AND ORDER

Claimant appeals from a decision of the Administrative Law Judge filed February 17, 2010.

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

1. The Workers' Compensation Commission has jurisdiction of this claim in which the relationship of employer/employee/carrier existed among the parties on October 23, 1987, at which time the claimant sustained a compensable injury.

2. The claimant's request for additional benefits was denied in decisions filed on June 9, 2000, by Judge McKinney and on October 19, 2000, by the Full Commission. The claimant's case is barred by the statute of limitations, Ark. Code Ann. § 11-9-702 and the doctrine of res judicata.
3. The claimant has failed to prove that this case should be reopened due to fraud, Ark. Code Ann. § 11-9-711. In complete inaccurate information contained in administrative forms has no bearing on the merits of the case and those forms cannot be used as evidence § 11-9-529(c).
4. Pursuant to Commission Rule 20, the respondents are directed to pay court reporter Linda Parker's fees and expenses.
5. The respondents' request for the claimant to post a bond is denied. The Act limits bonds to employers not claimants, § 11-9-808.
6. The respondents' request for sanctions pursuant to Ark. Code Ann. §11-9-714 is hereby granted. The claimant is directed to reimburse the respondents for the cost of the proceedings.

The Full Commission declines to affirm Finding No.

6. The respondent's request for sanctions is hereby denied. The claimant does not have to reimburse the respondents for the cost of the proceedings.

The claimant alleges that he sustained a compensable injury that is governed by the Arkansas Workers' Compensation Act, A.C.A. § 11-9-101 et seq. The claimant's alleged injury is, indeed, an injury that is covered by the Act; however, the claimant has failed to establish the elements necessary to prove a compensable injury by a preponderance of the evidence.

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, as modified. 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 as modified the decision of the Administrative Law Judge, including all findings, with the exception of Finding No. 6, and conclusions therein, as the decision of the Full Commission on appeal.

Jackson - D815242

-4-

IT IS SO ORDERED.

A. WATSON BELL, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney not participating.