

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. F804352

ESTATE OF RALPH E. MCMORAN, DECEASED EMPLOYEE	CLAIMANT
CITY OF NORTH LITTLE ROCK, EMPLOYER	RESPONDENT NO. 1
ARKANSAS MUNICIPAL LEAGUE WC TRUST, INSURANCE CARRIER/TPA	RESPONDENT NO. 1
DEATH AND PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

OPINION FILED SEPTEMBER 2, 2010

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

Claimant represented by the HONORABLE PAMELA GILBERT and the HONORABLE JAMES SWINDOLL, Attorneys at Law, Little Rock, Arkansas.

Respondent No. 1 represented by the HONORABLE J. CHRIS BRADLEY, Attorney at Law, North Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE DAVID PAKE, Attorney at Law, Little Rock, Arkansas, and his appearance is waived.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals from a decision of the Administrative Law Judge filed March 8, 2010.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of the claim.
2. The stipulations agreed to by the parties and recited herein are reasonable and are hereby accepted as fact.
3. The claimant has failed to prove by a preponderance of the evidence that Mr. McMoran's work activities were a major cause of the fatal heart attack.
4. The claimant has failed to prove by a preponderance of the evidence that Mr. McMoran's heart attack was brought on by the exertion of work which was extraordinary and unusual in comparison to his usual work or, alternatively, that some unusual or unpredicted incident occurred which was found to have been the major cause of the physical harm suffered by Mr. McMoran.
5. Therefore, the claimant has failed to prove by a preponderance of the evidence that Mr. Ra;ph McMoran suffered a compensable heart injury on April 23, 2008, pursuant to Ark. Code Ann. § 11-9-114.

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.

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A. WATSON BELL, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Hood dissents.

**DISSENTING OPINION**

I must respectfully dissent from the majority opinion. After a de novo review of the record, I would award benefits.

Officer Ralph McMoran, 68, was a patrolman for the North Little Rock Police Department for 38 years. On April 23, 2008, Officer McMoran was performing mandatory qualification exercises for his M-16 weapon. Witnesses who

were present at the qualification range revealed that sometime in the later stages of the training, Officer McMoran exhibited obvious discomfort to such a degree that Officer Patrick Shoemaker put Officer McMoran in his vehicle and transported him to the Baptist Medical Center. Shortly after arriving at Baptist Medical Center, the medical records indicate that Officer McMoran suffered a fatal thoracic aortal dissection.

The claimant's widow, Mrs. Julia McMoran, testified that prior to April 23, 2008, her husband never had any heart problems and was in very good physical condition. Mrs. McMoran testified that on April 23, 2008, her husband worked a full shift for the North Little Rock Police Department, came home that afternoon, and changed clothes so that he could report to the qualification range at 3:00 p.m. Mrs. McMoran testified that her husband was in good spirits and showed no signs of any physical ailments when she last saw him on April 23, 2008.

Officer McMoran was obviously a dedicated patrol officer for the North Little Rock Police Department. On the date of his death he was performing employment services

above and beyond his call of duty. If anyone should be entitled to workers' compensation benefits, it is his widow.

For the aforementioned reasons I must respectfully dissent.

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PHILIP A. HOOD, Commissioner