

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F902826

BRANDY E. MOTES,
EMPLOYEE

CLAIMANT

WHITE RIVER AREA AGENCY
ON AGING, INC.,
EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES,
TPA

RESPONDENT

OPINION FILED JUNE 18, 2010

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

Claimant appears Pro Se.

Respondent represented by the HONORABLE JARROD S. PARRISH,
Attorney at Law, Little Rock, Arkansas.

ORDER

The respondents have filed a motion for reconsideration
and a request for oral argument. The Full Commission denies
the motion and request.

The respondents state that the Full Commission issued
an opinion "affirming the ALJ's actions in this matter."
The Full Commission did not "affirm the ALJ's actions."
Rather, a majority of the Full Commission filed an opinion
on May 12, 2010 which affirmed an administrative law judge's
finding that the claimant proved she sustained a compensable

injury. We specifically found that the claimant proved she sustained a compensable injury in the form of a spider bite.

The respondents state that the Full Commission did not provide a ruling "regarding the appropriateness of the ALJ's actions in this claim." As we explicitly held in our May 12, 2010 opinion, the Full Commission reviews cases appealed to it *de novo*, and the duty of the Commission is not to determine whether there was substantial evidence to support the administrative law judge's findings; rather, the Full Commission must make our own findings in accordance with a preponderance of the evidence. *Pharmerica v. Seratt*, 103 Ark. App. 9, 285 S.W.3d 699 (2008), citing *Tyson Foods, Inc. v. Watkins*, 31 Ark. App. 230, 792 S.W.2d 348 (1990). The Full Commission has the authority and duty to render anew findings relevant to the case before us. *Id.* It is the duty of the Full Commission to conduct our own fact-finding independent of that done by the administrative law judge. *Excelsior Hotel v. Squires*, 83 Ark. App. 26, 115 S.W.3d 823, citing *Crawford v. Pace Indus.*, 55 Ark. App. 60, 929 S.W.2d 727 (1996). Moreover, the appellate court reviews the decision of the Full Commission and not that of the

administrative law judge. *High Capacity Prods. v. Moore*, 61 Ark. App. 1, 962 S.W.2d 831 (1998).

The Full Commission therefore denies the motion for reconsideration and request for oral argument.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner