

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. F509419 & F604860

RAY PHILLIPS, EMPLOYEE	CLAIMANT
WHEATLAND TUBE COMPANY, EMPLOYER	RESPONDENT NO. 1
SENTRY INSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2
DEATH AND PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 3

OPINION FILED MARCH 15, 2010

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

Claimant represented by the HONORABLE RICK SELLARS, Attorney at Law, Little Rock, Arkansas.

Respondents No. 1 represented by the HONORABLE JARROD S. PARRISH, Attorney at Law, Little Rock, Arkansas.

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

Respondent No. 3 represented by Ms. Christy L. King, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondent No. 2 appeals from a decision of the Administrative Law Judge filed November 25, 2009.

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

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. The employer-employee-insurance carrier relationship existed on July 26, 2005, and April 28, 2006.
3. The claimant suffered a compensable injury to his right shoulder on July 26, 2005, while employed by Wheatland Tube Company. A Form C was filed on September 1, 2005, and assigned WCC No. F509419.
4. The claimant suffered a compensable injury to his left shoulder on April 28, 2006, while employed by Wheatland Tube Company. A claim was filed and assigned WCC F604860.
5. The claimant has been assigned a 7% whole person rating for his right shoulder injury and a 13% whole person rating for the injury to his left shoulder, both of which have been accepted and paid by respondents No. 1.
6. Carol Robbins e-mailed a notice that the joinder of the Second Injury Fund had been received and accepted on January 8, 2008.
7. David Pake sent correspondence acknowledging joinder of the Second Injury Trust Fund and propounding discovery on June 3, 2008.
8. The Second Injury Fund has received discovery responses from both the claimant and respondents No. 1.

9. Based on the preponderance of the evidence, the Second Injury Fund was properly joined in Claim No. 604860.

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

PHILIP A. HOOD, Commissioner