

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F500501

JERRY D. SLAUGHTER (DEC'D), EMPLOYEE	CLAIMANT
CITY OF HAMPTON, EMPLOYER	RESPONDENT NO. 1
MUNICIPAL LEAGUE WC TRUST, INSURANCE CARRIER	RESPONDENT NO. 1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

OPINION FILED JUNE 1, 2010

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

Claimant represented by the HONORABLE F. MATTISON
THOMAS, III, Attorney at Law, El Dorado, Arkansas.

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

Respondent No. 2 represented by the HONORABLE CHRISTY
KING, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the
Administrative Law Judge filed December 16, 2009. In
said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. On or about the date of November 17, 2004, which is the date of injury, an employee/employer/carrier relationship existed.
2. The claim has been ruled to be compensable and benefits have been paid.
3. It has been previously stipulated between the surviving widow beneficiary and the Municipal League and accepted by the Commission that the decedent was entitled to the maximum rate of compensation.
4. La'Ronda Slaughter has been determined to be eligible for widow's benefits. Benefits have been paid and are ongoing.
5. The Death and Permanent Total Disability Trust Fund was not a party at the time of the initial hearing on this matter.
6. The Death and Permanent Total Disability Trust Fund is not bound by the stipulation regarding compensation rates entered into before the Death and Permanent Total Disability Trust Fund was made a party to this claim.
7. Jerry Slaughter's average weekly wage of \$389.75 entitles his widow, La'Ronda Slaughter, to be paid widow's weekly dependent benefits by the Death and Permanent Total Disability Trust Fund at the rate of \$136.00 per week.
8. The date of onset for Death and Permanent Total Disability Trust Fund liability cannot be accelerated to a date any earlier than the date that the Trust Fund would have otherwise become liable had Respondents No. 1 paid and the claimant received dependent benefits at the proper rate of \$136.00 per week.
9. Respondents No. 1 are entitled to credit against their \$75,000 maximum statutory liability all of the \$211.35 per week payments

that Respondents No. 1 have paid and continue to pay to La'Ronda Slaughter.

10. Respondents No. 1 are not obligated to continue paying dependent benefits after reaching their \$75,000 statutory cap.
11. Mr. Thomas' request to have Respondents No. 1's one-half of his fee on future dependent benefits paid in lump sum is hereby approved.
12. Mr. Thomas' request to have the claimant's one-half of his fee on future dependent benefits paid in lump sum is hereby denied.

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.

Therefore we affirm and adopt the December 16, 2009 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
