

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. F501583

JANICE L. ALFIERI, EMPLOYEE	CLAIMANT
WAL-MART ASSOCIATES, INC., EMPLOYER	RESPONDENT
CLAIMS MANAGEMENT, INC., CARRIER/TPA	RESPONDENT

ORDER FILED MARCH 29, 2011

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

Claimant represented by the HONORABLE FREDERICK "RICK" SPENCER, Attorney at Law, Mountain Home, Arkansas.

Respondents represented by the HONORABLE CURTIS NEBBEN, Attorney at Law, Fayetteville, Arkansas.

ORDER

This claim is presently before the Commission on remand from the Court of Appeals. In a decision delivered February 23, 2011, the Court of Appeals reversed and remanded this case to the Commission for the Commission to make a finding regarding the claimant's argument that she sustained a compensable aggravation of a pre-existing injury. The Court found that the Commission's findings do not contain any findings of facts relevant to the issue of whether the "2005 incident constituted a compensable aggravation of the pre-existing injury". Alfieri v. Wal-Mart

Associates, Inc., 2011 Ark. App. 141, ___ S.W.3d ___ (2011).

Accordingly, we find that this matter must be remanded to the Administrative Law Judge for consideration of the evidence in the record of whether the claimant sustained a compensable aggravation of a pre-existing condition in accordance with the Court of Appeal's decision.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. McKINNEY, Commissioner

PHILIP A. HOOD, Commissioner