

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. F200619

RICHARD COSNER, EMPLOYEE CLAIMANT

C & J FORMS & LABELS CO., EMPLOYER RESPONDENT NO. 1

LIBERTY MUTUAL GROUP
INSURANCE CARRIER/TPA RESPONDENT NO. 1

SECOND INJURY FUND RESPONDENT NO. 2

DEATH & PERMANENT TOTAL DISABILITY
TRUST FUND RESPONDENT NO. 3

ORDER FILED MAY 23, 2022

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

Claimant represented by the HONORABLE EDDIE H. WALKER, JR.,
Attorney at Law, Fort Smith, Arkansas.

Respondents No. 1 represented by the HONORABLE GUY ALTON WADE,
Attorney at Law, Little Rock, Arkansas.

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

Respondent No. 3 represented by the HONORABLE CHRISTY L. KING,
Attorney at Law, Little Rock, Arkansas.

Decision of Full Commission: Remanded

This matter is currently before the Full Commission on remand from the Arkansas Court of Appeals. In an opinion delivered on November 17, 2021, the Arkansas Court of Appeals reversed and remanded the January 5, 2021 decision of the Full Commission, which had affirmed and adopted the decision of the Administrative Law Judge. The Arkansas Court of Appeals reversed and remanded the case to the Full Commission for a determination of benefits.

By opinion filed March 4, 2020 and amended March 16, 2020, the administrative law judge found that the statute of limitations had run with respect to Claimant's claim for additional. permanent partial disability benefits. Having found that the statute of limitations had run, the administrative law judge determined that Claimant's entitlement to permanent impairment for his right knee and bilateral shoulder was moot. The Full Commission affirmed and adopted the opinion of the administrative law judge. Subsequently, Claimant timely filed his appeal before the Arkansas Court of Appeals.

By Opinion dated November 17, 2021, the Arkansas Court of Appeals reversed and remanded the decision of the Full Commission finding that the Commission had relied on previous Court of Appeals decisions that misinterpreted earlier case law. The Court of Appeals now cites the decision recently handed down in Wynne, 2021 Ark. App. 374,

S.W.3d, which overturned the long-standing precedent of Kirk v. Central States Manufacturing, Inc., 2018 Ark. App. 78, 540 S.W.3d. 714, holding that now "any" compensation means "any" with no type-for-type distinction for statute of limitations purpose.

Therefore, this case is remanded to the administrative law judge for findings consistent with the ruling of the Court of Appeals.

SCOTTY DALE DOUTHIT, Chairman

CHRISTOPHER L. PALMER, Commissioner

M. SCOTT WILLHITE, Commissioner