

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. G902953 & H000123

LONNIE L. ECHOLS, CLAIMANT  
EMPLOYEE

NUCOR YAMATO STEEL COMPANY, RESPONDENT  
EMPLOYER

ARCH INSURANCE COMPANY, RESPONDENT  
INSURANCE CARRIER/TPA

OPINION FILED JUNE 17, 2021

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

Claimant represented by the HONORABLE LAURA BETH YORK, Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE ZACHARY F. RYBURN, Attorney at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Remanded.

ORDER

The claimant appeals an administrative law judge's opinion filed February 22, 2021. The administrative law judge found that the claimant failed to prove he sustained a compensable injury to his left shoulder. The administrative law judge determined, among other things, that the issue of whether the claimant sustained a "compensable consequence" injury to his left shoulder should be reserved. The administrative law judge concluded that "compensability of Claimant's alleged right shoulder injury cannot be resolved in this proceeding[.]"

However, the respondents did not dispute the claimant’s pre-hearing contention that the respondents accepted compensability of a right shoulder injury occurring April 24, 2019, and that the respondents paid benefits for the compensable injury to the claimant’s right shoulder to include permanent anatomical impairment. Additionally, an administrative law judge plainly stated at the hearing held November 6, 2020 that one of the issues for adjudication was whether the alleged left shoulder injury was “a compensable consequence of the right shoulder injury, which was accepted.”

The Full Commission therefore remands this matter to the administrative law judge for amended findings of fact. We direct the administrative law judge to adjudicate, based on the record established before the Commission on November 6, 2020, whether the claimant sustained an injury to his left shoulder as a “compensable consequence” of the compensable right shoulder injury.

IT IS SO ORDERED.

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SCOTTY DALE DOUTHIT, Chairman

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CHRISTOPHER L. PALMER, Commissioner

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M. SCOTT WILLHITE, Commissioner