

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H104834

KELLI S. HELLUMS,  
EMPLOYEE

CLAIMANT

AREA AGENCY ON AGING WESTERN  
ARKANSAS, EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES,  
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED FEBRUARY 14, 2024

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

Claimant represented by the HONORABLE MATTHEW J. KETCHAM, Attorney at Law, Fort Smith, Arkansas.

Respondents represented by the HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed.

OPINION AND ORDER

The respondents appeal an administrative law judge's opinion filed April 6, 2023. The administrative law judge found that the claimant timely filed a Form AR-C. After reviewing the entire record *de novo*, the Full Commission affirms the administrative law judge's opinion.

I. HISTORY

The parties have stipulated that the claimant "sustained a compensable injury to her lower back" on August 6, 2020. The parties stipulated that the claim "was accepted as a medical-only claim." It was stipulated that "the parties reached a settlement when Claimant was

unrepresented, and paperwork was submitted to the Commission on June 10, 2021. Matt Ketcham notified the adjuster of his representation on June 11, 2021 and later notified the Commission of his appearance on October 14, 2021. A Joint Petition hearing never took place, and the file was returned to general files on January 26, 2022.”

The claimant signed a Form AR-C, CLAIM FOR COMPENSATION, dated August 8, 2022. The ACCIDENT INFORMATION section of the Form AR-2 indicated that the Date of Accident was August 6, 2020, “Claimant was at a client’s house and went to put shoes on the client and felt an immediate immense pain in the lumbar spine, mainly on the left side.” The CLAIM INFORMATION section of the Form AR-C indicated that the claimant claimed “initial” benefits and “additional” benefits. The “additional” benefits included “Additional Temporary Total,” “Additional Temporary Partial Disability,” “Additional Permanent Partial,” “Additional Medical Expenses,” “Rehabilitation,” “Attorney Fees,” and “Other.”

The parties have stipulated that the claimant “filed a Form C with the Commission on August 8, 2022, and no previous filings were made before that date.”

The parties stipulated, “Claimant’s counsel was notified by letter dated August 8, 2022 that the adjuster was closing her file and was taking the position that the statute of limitations had run.”

An administrative law judge filed an opinion on April 6, 2023. The administrative law judge found:

1. The stipulations submitted by the parties are hereby accepted as fact.
2. The Form C filed by claimant was timely filed.
3. There is no binding contract to resolve this matter by joint petition.

Neither party appeals the administrative law judge's finding with regard to whether there is a binding contract to resolve the matter by joint petition. The respondents appeal the administrative law judge's finding that the claimant timely filed the "Form C."

## II. ADJUDICATION

Ark. Code Ann. §11-9-702(Repl. 2012) provides, in pertinent part:

- (b) TIME FOR FILING ADDITIONAL COMPENSATION.
- (1) In cases in which any compensation, including disability or medical, has been paid on account of injury, a claim for additional compensation shall be barred unless filed with the commission within one (1) year from the date of the last payment of compensation or two (2) years from the date of the injury, whichever is greater.

The burden of filing a claim for additional benefits within the statute of limitations is upon the claimant. *St. John v. Arkansas Lime Co.*, 8 Ark. App. 278, 651 S.W.2d 104 (1983).

In the present matter, the parties stipulated that the claimant sustained a compensable injury on August 6, 2020. The respondents state that the last medical benefits were paid in May 2021. Therefore the

“greater” filing period enumerated in the applicable statute of limitations would be August 6, 2022. However, August 6, 2022 fell on a Saturday, on which date Arkansas State offices were closed for business and the Clerk of the Commission was not available for filing a claim. The parties stipulated that the claimant filed a Form AR-C, claim for additional compensation, on August 8, 2022. August 8, 2022 fell on a Monday, the next day Arkansas State offices were open for business following August 6, 2022, and on which date the Clerk of the Commission was available for filing a claim.

The Full Commission finds that the claimant filed a claim for additional compensation within the two-year period set forth in Ark. Code Ann. §11-9-702(b)(1)(Repl. 2012). *See Parrish Esso Service Center v. Adams*, 237 Ark. 560, 374 S.W.2d 468 (560); Ark. Rules of Civil Procedure, Rule 6(a)(2023).

The Full Commission therefore affirms the administrative law judge’s finding, “2. The Form C filed by claimant was timely filed.”

IT IS SO ORDERED.

---

SCOTTY DALE DOUTHIT, Chairman

---

M. SCOTT WILLHITE, Commissioner

---

MICHAEL R. MAYTON, Commissioner