

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G803682

JORDAN MASON, EMPLOYEE	CLAIMANT
WILSON BROS, LUMBER CO. LLC., EMPLOYER	RESPONDENT NO. 1
PRAETORIAN INS. CO., INSURANCE CARRIER/TPA	RESPONDENT NO. 1
FRANK & GRADY, LLLP	RESPONDENT NO. 2

OPINION FILED APRIL 1, 2021

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

Claimant represented by the HONORABLE CHARLES "CC" GIBSON, Attorney at Law, Monticello, Arkansas, and the HONORABLE R. VICTOR HARPER, Attorney at Law, Star City, Arkansas.

Respondents represented by the HONORABLE RANDY P. MURPHY and the HONORABLE BRANDON COLE, Attorneys at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals and Respondents cross-appeal an opinion and order of the Administrative Law Judge filed December 28, 2020. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.

2. The stipulations set forth above are reasonable and are hereby accepted.
3. Claimant's objection to the admission of the proffered hearing testimony of Lee Moore is overruled; the proffered testimony is hereby admitted into evidence and will be given due weight.
4. The preponderance of the evidence establishes that Frank & Grady LLLP falls within the ambit of the exclusive remedy provision of Ark. Code Ann. §11-9-105(a) (Repl. 2012).
5. The evidence preponderates that Claimant's minor child, Cecilia Mason, was "wholly and actually dependent upon" him at the time of his death, that he was not married, and that she was his only child. Accordingly, per Ark. Code Ann. §11-9-527(c)(3)(A) (Repl. 2012), Cecilia Mason is entitled to fifty percent (50%) of Claimant's stipulated average weekly wage, to be paid in accordance with §11-9-527.
6. Claimant's estate has proven by a preponderance of the evidence that Respondents controverted Cecilia Mason's entitlement to the benefits awarded to her above. Accordingly, the estate's counsels are entitled to a controverted fee on those benefits, pursuant to Ark. Code Ann. §11-9-715 (Repl. 2012).

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's December 28, 2020 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 made by the

Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the decision of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the opinion as the decision of the Full Commission on appeal.

All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of the Administrative Law Judge's decision in accordance with Ark. Code Ann. §11-9-809 (Repl. 2012).

For prevailing on this appeal before the Full Commission, claimant's attorney is entitled to fees for legal services in accordance with Ark. Code Ann. §11-9-715(Repl. 2012). For prevailing on appeal to the Full Commission, the claimant's attorney is entitled to an additional fee of five hundred dollars (\$500), pursuant to Ark. Code Ann. §11-9-715(b)(Repl. 2012).

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

CHRISTOPHER L. PALMER, Commissioner

M. SCOTT WILLHITE, Commissioner