

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G802123

FRANCINE MURPHY, CLAIMANT  
EMPLOYEE

ARKANSAS DEPARTMENT OF CORRECTIONS, RESPONDENT  
EMPLOYER

PUBLIC EMPLOYEE CLAIMS DIVISION, RESPONDENT NO. 1  
INSURANCE CARRIER/TPA

DEATH & PERMANENT TOTAL RESPONDENT NO. 2  
DISABILITY TRUST FUND

OPINION FILED JUNE 29, 2023

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 No. 1 represented by the HONORABLE CHARLES H. McLEMORE, JR., Attorney at Law, Little Rock, Arkansas.

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

ORDER

Respondent No. 1 moves the Full Commission to reconsider our opinion filed March 17, 2023. The claimant does not reply. The Full Commission grants Respondent No. 1's motion.

The parties stipulated that the claimant sustained compensable injuries to her head and left eye on March 17, 2018. The claimant testified that the respondents eventually "accepted 100% loss" of the claimant's left eye. Respondent No. 1 implicitly states that it paid benefits in accordance with Ark. Code Ann. §11-9-521(c)(1)(Repl. 2012): "Compensation for the

permanent loss of eighty percent (80%) or more of the vision of an eye shall be the same as for the loss of an eye.”

Respondent No. 1 states that the Full Commission erred in awarding a 32% permanent anatomical impairment rating assigned by Dr. Baskin. We agree. The respondents shall not be liable for the 32% rating assessed by Dr. Baskin. Respondent No. 1 shall remain liable for the award of \$1,500.00 for facial disfigurement in accordance with Ark. Code Ann. §11-9-524(Repl. 2012). Facial disfigurement is separate and distinct from permanent anatomical impairment. *Little Rock Ambulance Authority v. Binkley*, 2022 Ark. App. 229, 646 S.W.3d 193.

The Full Commission therefore grants Respondent No. 1’s motion for reconsideration. Because the claimant did not prove she was permanently totally disabled, the respondents’ liability for permanent anatomical impairment shall be limited to the schedule of Ark. Code Ann. §11-9-521(c)(1)(Repl. 2012).

IT IS SO ORDERED.

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SCOTTY DALE DOUTHIT, Chairman

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M. SCOTT WILLHITE, Commissioner

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MICHAEL R. MAYTON, Commissioner