

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G806604

DONALD ROBERTSON, CLAIMANT
EMPLOYEE

SPA CONSTRUCTION COMPANY, INC., RESPONDENT NO. 1
EMPLOYER

BITCO INSURANCE COMPANY, RESPONDENT NO. 1
INSURANCE CARRIER/TPA

DEATH & PERMANENT TOTAL RESPONDENT NO. 2
DISABILITY TRUST FUND

OPINION FILED OCTOBER 13, 2021

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

Claimant represented by the HONORABLE JAMES R. BAXTER, Attorney at Law, Benton, Arkansas.

Respondents No. 1 represented by the HONORABLE JASON M. RYBURN, Attorney at Law, Little Rock, Arkansas.

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

ORDER

The claimant appeals an administrative law judge's opinion and order filed May 26, 2021. The administrative law judge found that the statute of limitations barred the claim. The Full Commission vacates the administrative law judge's opinion, and we remand for proper findings of fact and conclusions of law based on a sufficient record.

When deciding any issue, administrative law judges and the Commission shall determine, on the basis of the record as a whole, whether

the party having the burden of proof on an issue has established it by a preponderance of the evidence. Ark. Code Ann. §11-9-704(c)(2)(Repl. 2012). When reviewing an administrative law judge's opinion, the Full Commission is charged with performing a proper *de novo* review of the record. *See Tucker v. Roberts-McNutt, Inc.*, 342 Ark. 511, 29 S.W.3d 706 (2000).

In the present matter, the claimant contends that he sustained a compensable injury on September 24, 2018. Respondent No. 1 contends, among other things, that the statute of limitations bars the claim. Nevertheless, there is no record for the Full Commission's *de novo* review. The Full Commission therefore vacates the administrative law judge's opinion, and we remand the case to the administrative law judge to compile a proper record. Said record shall include a pre-hearing order, stipulations of the parties, motions, pleadings, correspondence, forms, medical evidence, agreed issues for adjudication, and testimony if so desired by the parties.

The Full Commission therefore vacates the administrative law judge's opinion and order filed May 26, 2021, and we remand for proper findings of fact and conclusions of law.

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

CHRISTOPHER L. PALMER, Commissioner

M. SCOTT WILLHITE, Commissioner