

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G806604

DONALD ROBERTSON, CLAIMANT  
EMPLOYEE

SPA CONSTRUCTION COMPANY, INC., RESPONDENT  
EMPLOYER

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

DEATH & PERMANENT TOTAL RESPONDENT NO. 2  
DISABILITY TRUST FUND

OPINION FILED SEPTEMBER 28, 2022

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

In the above-styled matter, Respondent No. 1 moves the Full Commission to reconsider our opinion filed July 27, 2022. The Full Commission found that the applicable statute of limitations did not bar the claim for benefits. The Full Commission denies Respondent No. 1's motion for reconsideration. We also deny the claimant's request for attorney's fees. A fee is payable from the employer or carrier only if benefits are

controverted and awarded. *Burton v. Chartis Claims, Inc.*, 2014 Ark. App.

47. The Commission has not awarded benefits in the present matter.

The Full Commission therefore denies Respondent No. 1's motion for reconsideration, and we deny the claimant's request for attorney's fees.

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