

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. G503430, G902279, G902281, G903969

BYRON WATKINS, CLAIMANT
EMPLOYEE

LA DARLING COMPANY, LLC., RESPONDENT
EMPLOYER

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

DEATH & PERMANENT TOTAL RESPONDENT NO. 2
DISABILITY TRUST FUND

OPINION FILED MARCH 9, 2022

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

Claimant appeared *pro se*.

Respondents No. 1 represented by the HONORABLE R. SCOTT ZUERKER, Attorney at Law, Fort Smith, Arkansas.

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

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals an administrative law judge's opinion filed

June 25, 2021. The administrative law judge found:

1. The Arkansas Workers' Compensation Commission has jurisdiction over these claims.
2. The stipulations set out above are reasonable and are hereby accepted.

3. The motion by Respondent No. 2 to amend Issue No. 1 to address whether AWCC No. G902281 is barred by the statute of limitations is hereby granted.
4. The motion by Respondents to add an issue concerning whether Claimant's claim for an alleged neck injury (G902279) is barred by the doctrines of *res judicata*, collateral estoppel and/or Law of the Case is hereby granted.
5. The motion by Respondents No. 1 to amend their contentions to allege that Claimant's alleged left hip and knee injuries (G903969) are idiopathic, and that his alleged elbow injury (G503430) is barred by the statute of limitations, is hereby granted.
6. All of the points raised by Claimant in his June 15, 2021, post-hearing submission are meritless and are hereby overruled. The fifty-nine (59) pages of documents attached to his two (2)-page submission will not be admitted into evidence, but instead will be considered proffered.
7. Claimant has not proven by a preponderance of the evidence that he sustained a compensable elbow injury (G503430) by gradual onset.
8. Claimant has not proven by a preponderance of the evidence that he sustained a compensable elbow injury (G503430) by specific incident.
9. Because of Findings/Conclusions Nos. 7-8 *supra*, the issues regarding whether Claimant's claim for a compensable elbow injury (G503430) is barred by the statute of limitations and whether he is entitled to reasonable and necessary medical treatment of his alleged elbow injury are moot and will not be addressed.
10. The issue concerning whether Claimant suffered a compensable neck injury claim (G902279) is barred by the doctrines of *res judicata*, collateral estoppel and the Law of the Case.
11. Because of Finding/Conclusion No. 10 *supra*, the issues of whether AWCC No. G902279 is barred by the statute of limitations, and whether Claimant sustained a compensable neck

injury and is entitled to reasonable and necessary medical treatment therefor are moot and will not be addressed.

12. Claimant has not proven by a preponderance of the evidence that he sustained a compensable injury to his back by specific incident.
13. The evidence preponderates that Claimant's claim for initial benefits in connection with his alleged back injury, AWCC No. G902281, to the extent that it is for a gradual-onset injury, is barred by the statute of limitations set forth in Ark. Code Ann. §11-9-702(a)(1)(Repl. 2012).
14. Because of Findings/Conclusions Nos. 12 and 13, *supra*, the issues of whether Claimant sustained a compensable back injury by gradual onset, and whether he is entitled to reasonable and necessary medical treatment of his alleged back injury are moot and will not be addressed.
15. Claimant has not proven by a preponderance of the evidence that he sustained a compensable injury to his left hip and knee by gradual onset.
16. Claimant has not proven by a preponderance of the evidence that he sustained a compensable injury to his left hip and knee by specific incident.
17. Because of Findings/Conclusions Nos. 15 and 16, *supra*, the issue of whether Claimant is entitled to reasonable and necessary medical treatment of his alleged left hip and knee injuries is moot and will not be addressed.
18. The evidence preponderates that Claimant's claim for additional medical benefits in connection with his compensable hand injury, AWCC No. G503430, is barred by the statute of limitations set forth in Ark. Code Ann. §11-9-702(b)(1)(Repl. 2012).
19. Because of Finding/Conclusion No. 18, *supra*, the issue of whether Claimant is entitled to additional medical treatment of his compensable hand injury is moot and will not be addressed.

After reviewing the entire record *de novo*, we find that the administrative law judge's decision is supported by a preponderance of the evidence, correctly applies the law, and should be affirmed. We find that the administrative law judge's findings of fact are correct and are therefore adopted by the Full Commission. The claimant requests to admit into the record an exhibit of "new evidence" consisting of 364 pages. In order for the Commission to allow submission of additional evidence, the movant must demonstrate that the new evidence is relevant; that the new evidence is not cumulative; that the new evidence would change the result of the case; and that the movant was diligent in presenting evidence to the Commission. *Long v. Wal-Mart Stores, Inc.*, 98 Ark. App. 70, 250 S.W.3d 263 (2007). In the present matter, the new evidence submitted by the claimant is cumulative because the existing record in large part already includes said evidence. Additionally, none of the evidence submitted in the claimant's 364-page exhibit would change the result of the case. We therefore do not allow submission of the new evidence into the record before the Full Commission.

The Full Commission affirms and adopts the administrative law judge's opinion filed June 25, 2021, including all findings and conclusions therein, as the opinion of the Full Commission on appeal.

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

CHRISTOPHER L. PALMER, Commissioner

M. SCOTT WILLHITE, Commissioner