

ARKANSAS COURT OF APPEALS

DIVISION III
No. CA09-832

Opinion Delivered December 16, 2009

CHARLES JOHNSON
APPELLANT
V.

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION [F610487]

ABILITIES UNLIMITED, INC. and
COMMERCE & INDUSTRY
INSURANCE CO.
APPELLEES

AFFIRMED ON DIRECT APPEAL
AND ON CROSS-APPEAL

DAVID M. GLOVER, Judge

With the exception of one issue, the Workers' Compensation Commission affirmed and adopted the Administrative Law Judge's (ALJ) opinion denying appellant, Charles Johnson, additional medical treatment and temporary total-disability benefits from December 5, 2006, to a date yet to be determined. The Commission reversed the ALJ's determination that Johnson had not proved that he was a full-time employee and therefore his average weekly wage should be based on his actual hours worked instead of a thirty-seven-and-one-half-hour workweek. The Commission found instead that Johnson's average weekly wage should be based on a full-time workweek pursuant to Ark. Code Ann. § 11-9-518(a)(1) (Repl. 2002). Johnson appeals, arguing that the Commission's decision denying him additional medical treatment and temporary total-disability benefits is not supported by substantial evidence. Appellees cross-appeal, arguing that the