

# ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA10-1140

MID-SOUTH MIXERS, INC., and AIG  
CLAIM SERVICES, INC.

APPELLANTS

V.

RYAN STEVENS

APPELLEE

**Opinion Delivered** SEPTEMBER 7, 2011

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. F809107]

AFFIRMED

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## JOSEPHINE LINKER HART, Judge

This case returns to us after we reversed and remanded the decision of the Arkansas Workers' Compensation Commission. *Stevens v. Mid-S. Mixers, Inc.*, 2010 Ark. App. 519. In our previous decision, we held that in ruling against Ryan Stevens, the Commission arbitrarily disregarded two medical opinions that Stevens's symptomology was consistent with his work history and that substantial evidence did not support the Commission's conclusion that Stevens's deep-vein thrombosis was caused by him sleeping on his arm wrong. We further reversed and remanded for the Commission to make required statutory findings after it concluded that Stevens was not entitled to benefits because he failed to give notice of a work-related injury. Ark. Code Ann. § 11-9-701 (Repl. 2002).

On remand, the Commission found that the administrative law judge's original decision—which the Commission's first-appealed decision reversed—was supported by a preponderance of the evidence and correctly applied the law. The Commission affirmed and adopted the administrative law judge's decision, including all findings of fact and conclusions of law. Appellants now argue on appeal that by adopting the administrative law judge's

opinion, the Commission did not make “findings of fact to support its determinations concerning compensability and notice for this court to determine if the findings are supported by substantial evidence.”

Directions by an appellate court to the Commission, as expressed by the opinion and mandate, must be followed exactly and placed into execution. *Westwood Health & Rehab., Inc. v. Diddle*, 2010 Ark. App. 774. In the previous appeal, we reversed, remanded, and directed the Commission to consider all of the evidence and make findings of fact and conclusions of law. On remand, the Commission conducted a de novo review of the record and adopted the administrative law judge’s decision. The Commission is permitted to adopt the administrative law judge’s decision, and in so doing, the Commission makes the administrative law judge’s findings and conclusions the findings and conclusions of the Commission. *Death & Permanent Total Disability Trust Fund v. Branum*, 82 Ark. App. 338, 107 S.W.3d 876 (2003). While the Commission may specifically adopt the findings of fact made by the administrative law judge, it is necessary under such circumstances that the administrative law judge have made sufficient findings. *Lowe v. Car Care Mktg.*, 53 Ark. App. 100, 919 S.W.2d 520 (1996). Here, the administrative law judge’s opinion in fact considered all the evidence and made all necessary findings and conclusions. In adopting the administrative law judge’s decision, the Commission executed this court’s mandate. Accordingly, we affirm the Commission’s decision.

Affirmed.

VAUGHT, C.J., and GLOVER, J., agree.