

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: S2/20/01*

# A Bill

SENATE BILL 488

5 By: Senators DeLay, Everett  
6 By: Representatives Ledbetter, *Rodgers*  
7

## For An Act To Be Entitled

10 AN ACT TO AMEND THE WORKERS' COMPENSATION LAWS  
11 CONCERNING THE PROCEEDINGS ON CLAIMS; AND FOR OTHER  
12 PURPOSES.  
13

### Subtitle

14 TO AMEND THE WORKERS' COMPENSATION LAWS  
15 CONCERNING THE PROCEEDINGS ON CLAIMS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 11-9-704(c), concerning evidence and  
22 construction in proceedings for claims, is amended to read as follows:

23 (c) Evidence and Construction. (1)(A)(i) At the hearing the claimant  
24 and the employer may each present evidence in respect of the claim and may be  
25 represented by any person authorized in writing for such purpose.

26 (ii) The evidence may include verified medical  
27 reports which shall be accorded such weight as may be warranted from all the  
28 evidence of the case.

29 (B) Any determination of the existence or extent of  
30 physical impairment shall be supported by ~~objective and~~ measurable physical or  
31 mental findings.

32 (2) When deciding any issue, administrative law judges and the  
33 commission shall determine, on the basis of the record as a whole, whether the  
34 party having the burden of proof on the issue has established it by a  
35 preponderance of the evidence.

36 (3) Administrative law judges, the commission, and any reviewing

1 courts shall construe the provisions of this chapter strictly.

2 (4) In determining whether a party has met the burden of proof on  
3 an issue, administrative law judges and the commission shall weigh the  
4 evidence impartially and without giving the benefit of the doubt to any party.

5 /s/ DeLay

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