

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E709892/E801705/F213287

THOMAS WILSON	CLAIMANT
ARMSTRONG TOOLS, INC.	RESPONDENT
GAB ROBINS NORTH AMERICAN INSURANCE CARRIER	RESPONDENT

OPINION FILED JULY 27, 2006

Hearing before ADMINISTRATIVE LAW JUDGE ELIZABETH DANIELSON in Springdale, Washington County, Arkansas.

Claimant represented by EVELYN BROOKS, Attorney, Fayetteville, Arkansas.

Respondents represented by JEREMY SWEARINGEN, Attorney, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held on May 2, 2006, in Springdale, Arkansas.

A pre-hearing conference was held in this claim, and as a result a pre-hearing order was entered in the claim on October 31, 2005. This pre-hearing order set forth the stipulations offered by the parties, the issues to litigate and the contentions thereto.

The following stipulations were submitted by the parties and are hereby accepted:

1. The Arkansas workers' Compensation Commission has jurisdiction of this claim.

2. All prior opinions are res judicata and the law of this case.

3. The respondents have paid a 20 percent impairment to the knee.

By agreement of the parties the issues to litigate are limited to the following:

1. whether the claimant's new or current problem is a new injury or a reoccurrence.

2. Additional medical since April 21, 2005.

3. Attorney fees to include a fee on the 17 percent impairment rating.

In regard to the foregoing issues the claimant contends that the respondents failed to pay the rating in a timely manner.

In regard to the foregoing issues the respondents contend that they did not controvert the 17 percent impairment rating. Though it was assessed on November 25, 2003, the rating was apparently not provided to respondents until late the following year. Respondents contend that they entered into verbal agreement with the claimant's former attorney, Jay Tolley, to hold off on paying the 17 percent rating while settlement negotiations were pending, so that the claimant could potentially get a larger settlement proceed amount, and so that the claimant's attorney's fee would also be commensurately larger than if the rating were paid first. Respondents affirmatively contend that the claimant is estopped from claiming controversion of the rating, because: The claimant's attorney Jay Tolley agreed to the rating's payment forbearance; Respondents relied on that agreement in holding off on paying the rating while negotiations were pending; The claimant's attorney should have reasonably expected his agreement to cause respondents to hold off on paying the rating while negotiations were pending; and, Respondents' reliance on the agreement with Mr. Tolley would be to their detriment, if controversion were established.

Respondents affirmatively state that they paid the rating on December 14, 2004, within a week of the claimant's notification that he no longer wanted to proceed with the Joint Petition, which was set for hearing on December 7, 2004. Respondents affirmatively contend that the claimant waived controversion of the 17 percent rating by agreeing to respondents' holding off on paying the rating while negotiations were pending. The respondents further contend that the need for additional medical treatment for this claimant is related to a non-work related incident and any additional medical should not be at the expense of the respondents.

The documentary evidence submitted in this matter consists of the Commission's pre-hearing order marked Commission's Exhibit No. 1. The claimant submitted medical evidence marked Claimant's Exhibit No. 1. The respondents submitted documentary evidence marked Respondents' Exhibit No. 1, letters marked Respondents' Exhibit No. 2 and the deposition of Dr. Chris Arnold marked Respondents' Exhibit No. 3. All these exhibits were admitted without objection.

DISCUSSION

The claimant testified that he was forty-one years old and began working for the respondent on April 28, 1986, as a hammer operator. The claimant testified that he consistently worked forty to sixty hours a week throughout his employment with the respondent.

The claimant testified that in May 1997 he was running a machine and to avoid getting burned, he twisted to try and catch

himself and his left foot was stuck in the foot pedal which was unmovable which caused his knee to pop out of joint. The claimant testified that within a couple of weeks he sought treatment for his knee with Dr. Tom Coker. The claimant testified that Dr. Coker tried conservative treatment but eventually he had surgery on his left knee. The claimant testified that following his surgery he had minor problems with his knee. The claimant testified that as the symptoms of swelling and soreness continued to develop, he eventually was seen by Dr. Jim Arnold for the popping and swelling. The claimant testified that Dr. Arnold eventually did surgery on his knee and following this surgery, he got to the point where he thought he was going to be all right until he got hit by a machine at work.

The claimant testified that he could not remember the date but does remember the event when he was working on a trim press along with a number 8 hammer machine and began to hear a pop in the machine. The claimant testified that he was trying to finish running the product when all of a sudden the machine popped and the ram dropped which threw everything down and crushed everything underneath. The claimant testified that in the process the safety screen was knocked open and when it was it hit him in the hard hat so he put up his hands and mostly caught it but when he did, he also brought his left knee up to block it and it hit him square in the left knee. The claimant testified that this caused the popping and soreness to return which seemed to get worse and he had more fatigue in his knee. The claimant testified that he reported his

injury but was not allowed to go to see a doctor that evening. The claimant testified that he was again seen by Dr. Arnold. The claimant testified that eventually Dr. Chris Arnold did surgery on his knee and that this was the only surgery Dr. Chris Arnold has done. The claimant testified that the surgery by Dr. Chris Arnold was not as successful as it had been after Dr. Jim Arnold had done the surgery because he was still having symptoms of pain and swelling as well as fatigue. The claimant testified that during all of this period of time he continued to do the same work for the respondent.

The claimant testified that he underwent a functional capacity evaluation where they measured what his knee could or could not do. The claimant testified that he remembers that he was not to do climbing and no lifting over twenty-five pounds. The claimant agreed that at some point he received a check from the respondents but could not remember the date he received the check. The claimant testified that his knee is about the same in that it wears out at night and he still has slight swelling and pain which is always there. The claimant testified that he is still seeing Dr. Chris Arnold when there is a need. The claimant remembered that he has had two cortisone injections from Dr. Arnold.

The claimant testified that besides working for the respondent he also works for Boston Mountain Solid Waste. The claimant testified that he was a recycle truck driver and works the first Saturday of every month from 9:00 till noon. The claimant testified that his duties for Boston Mountain are primarily to

bring the recycle trailer to the customers. The claimant testified that he has had no injuries outside his work injuries for the respondent to his left knee.

On cross examination, the claimant testified that he is still employed by the respondent but that his job has changed in that he is a training lead man in the forge shop. The claimant agreed that his new job is more in a supervisory type position. The claimant explained that he works with the new trainees on the hammer, teaching them how to run that machine and the safety aspects. The claimant testified that it is a dangerous machine and the safety in running it is most important. The claimant testified that currently they are one man short so he is working as a steel cutter as well as training, looking out after everyone else and trouble shooting. The claimant testified that before he was moved to the forge shop the respondent initially put him out front where he did a lot of sitting and the work was easier. The claimant testified that he eventually let it be known that he would like to work in the forge shop and be trained for the forge shop supervisor position. The claimant agreed that this is the position that he currently is holding. The claimant testified that after his first incident he treated with Dr. Patrick Coker until about October 1998. The claimant further agreed that he went for a period of almost a year before being seen by Dr. Jim Arnold at which time his symptoms had reemerged. The claimant agreed that he had his first surgery by Dr. Arnold on February 11, 2000, and he underwent therapy and returned to work until July 10, 2001, when he had the

incident where the piece fell on his knee. The claimant testified that he was seen by Dr. Hamilton Hart after his July 10, 2001, incident. The claimant testified that after seeing Dr. Hart, he initially returned to work at his regular duties as a hammer operator and continued on these duties up until the time he sustained a third injury to his knee on September 27, 2002. The claimant agreed that he continued treatment with Dr. Jim Arnold from his September 27, 2002, knee injury up until Dr. Arnold's death at which time he began to be seen by Dr. Chris Arnold. The claimant was asked a series of questions concerning the surgery which Dr. Chris Arnold performed on his knee on July 2, 2003, as well as the follow up and release but the claimant was not sure of the dates. The claimant was asked if there was a period of about eight months in between November 25, 2003, and July 15, 2004, where he did not seek any treatment for his knee and the claimant responded, "Probably so, I ran there for a good while that everything seemed to be ok." The claimant did agree that he continued to work for the respondent during this period of time. The claimant also agreed that he continued to have problems with his knee such as periodic popping and occasional swelling and pain. The claimant testified that he does not remember a conversation with Dr. Chris Arnold where the doctor released him to return as needed or on a yearly basis. The claimant testified that he was unaware of any settlement negotiations as to his workers' compensation claim nor was he aware of any settlement agreement, nor was he given any settlement documents for his signature in late

November 2004 nor was he aware of a settlement hearing. The claimant testified that he also was unaware of any impairment rating and it was a surprise to him when he received a check in the amount of around \$10,000.00.

The claimant testified that he does recall being seen by Dr. James Mulholland and there was a discussion about his possible need for a total knee replacement in the future. The claimant testified that Dr. Mulholland did talk to him about being a little bit overweight but that no one else had visited with him about maintaining a healthy body weight. The claimant testified that Dr. Chris Arnold has him do exercises for his knees. The claimant testified that he was 6'2" and weighed about 250 pounds. The claimant testified that he has certain exercises which he regularly does each evening when he gets home. The claimant testified that he has been doing these exercises about twice a week for the past few months and that he has had a little bit of improvement.

The claimant agreed that in the summer of 2005 he was able to mow his lawn with a push mower as well as volunteer as an aid in Louisiana as a forklift driver. The claimant agreed that on October 9, 2005, he was changing the oil in his Mustang and was laying underneath the car. The claimant testified that when he turned over to get out from under the car, he stood up and his knee popped out again, noting that it was a severe popping sound. The claimant agreed that prior to October 9, 2005, he would have some popping in his knee on a day to day basis and he would have giving away of his knee as well. The claimant agreed that when he had his

October 9 event, the pop was loud, he felt his knee suddenly give way and he had instability at that moment. The claimant testified that the pain he experienced was also severe. The claimant testified that he went into the house and iced his knee down because it had already started swelling. The claimant testified that it felt like something had slipped out of place in his knee. The claimant testified that the next morning his knee was definitely sore but he got up and went to work but did make an appointment to see Dr. Arnold. The claimant testified that since this date he has had popping and swelling in his knee. The claimant testified that approximately one month before this hearing he was at work and as he stepped back he felt his knee give way a little bit. The claimant testified that he has had steady pops in his knee all along.

On redirect examination, the claimant testified that he has had swelling and instability in his knees about twice a week at work when his work is heavy. The claimant agreed that he has felt instability in his knee while he was working. The claimant testified that he feels like he does more running around in his current job than he did when he was running the hammer machine. The claimant testified that none of his shift is spent sitting down. The claimant testified that even though he might not have seen Dr. Arnold on October 10 except for his instance the day before he would have had to see the doctor at some point for his left knee. The claimant agreed that he has seen some doctor off and on ever since his first injury with his left knee. The

claimant testified that about a week after the October 9 event his knee seemed to settle down to the way it was before the car incident. The claimant also agreed that the treatment which Dr. Arnold provided him after the October 9 event was the same as he had previously received. The claimant testified that since his surgery with Dr. Chris Arnold he has continued to have trouble with his knee, noting that it would just depend on what he was doing and how heavy his work was.

On recross examination, the claimant agreed that since October 9 Dr. Arnold has given him a couple of cortisone injections in his knee. The claimant testified that he has had cortisone injections in the past although he has refused to take some that were offered. The claimant stated that he is currently scheduled to see Dr. Arnold on May 15, 2006, for a follow up visit.

Dr. Chris Arnold, in his deposition, testified that he has treated the claimant as well as operated on his knee. Dr. Arnold testified that with the type of surgery the claimant underwent it was most likely that he would require additional surgery in the future. Dr. Arnold went on to testify that with the additional trauma which the claimant's knee has undergone which has required additional surgery, the likelihood of him needing additional surgery in the future is enhanced. This witness testified that the more traumas to the knee the more it accelerates the possibility for future surgery. Dr. Arnold testified that when he saw the claimant on July 15, 2004, following an event where the claimant reported he had twisted his knee at work, the doctor testified that

it was hard to tell at that time if it was an aggravation of his pre-existing traumatic arthritis or if it was a new loose body. The doctor stated that if it was an aggravation of a pre-existing condition, his symptoms would settle down with time but if there was a new loose body, his symptoms would stay about the same. Dr. Arnold testified that when he saw the claimant on December 3, 2004, the claimant's knee was better than it was before the surgery although he was still having some symptoms depending on what kind of work he was performing. Dr. Arnold agreed that in his note dated December 3, 2004, he sets forth that there is a chance that the claimant will have future problems that will require further treatment based on the claimant's prior knee injuries which predisposed him to future problems. Dr. Arnold was asked by the respondents' attorney if the claimant's need for future surgery could be causally related to his prior injuries as apposed to just the natural degeneration that a person can expect. Dr. Arnold responded, "I think they are directly related to the initial injury he had. All of them are cumulative, I think." Dr. Arnold was also asked as a hypothetical that if in say twenty years would the claimant eventually get to the point to where his need for treatment is no longer proximately causally related to his 1997 injuries? Dr. Arnold responded, "well, in my opinion, no." Dr. Arnold stated that the claimant has had three injuries at work which all resulted in a need to have his knee scoped. The doctor explained that the claimant has reached that point to where now he has post traumatic arthritis all related to the trauma that he

sustained at work. Dr. Arnold agreed that given the fact that the claimant has had three kinds of injuries and received impairment ratings would it be reasonable to assume that he would have some periodic pain and swelling in the future? The doctor responded "yes" and further agreed that these conditions could worsen over time. Dr. Arnold testified that it was his opinion that sometime in the claimant's life he would need a knee replacement. The doctor also agreed that the claimant's condition could be accelerated by any new injury combined with the affects of the pre-existing injuries that he had while at work. Dr. Arnold was asked if when he saw the claimant on October 10, 2005, and the claimant reported pain, instability and swelling in his knee would these be indicative of a new injury, the doctor responded, "More probable than not." Dr. Arnold testified that when he saw the claimant on October 10 he did administer a cortisone injection to his knee but when he was seen on November 8, 2005, for follow up, no treatment was given because he had returned to his baseline condition. Dr. Arnold agreed that in a letter dated November 2, 2005, in response to the claimant's attorney's request, he had written that the claimant's problems to his left knee date back to his initial injury. Dr. Arnold testified that in his opinion everything was related to the claimant's 1997 injury and the subsequent ones thereafter. Dr. Arnold stated that, "The biggest factor that caused all this was his (the claimant) initial injury." Dr. Arnold then indicated that each injury thereafter was less important, noting that now it takes less to aggravate his knee. The doctor

testified that he could state within a reasonable degree of medical certainty that it was the claimant's first injury that was the predominant cause of his problems. Dr. Arnold testified that in his opinion the event that brought the claimant in to see him on October 10 and November 2005 was that he had aggravated his pre-existing knee problems.

On cross examination by the claimant's attorney, Dr. Arnold agreed that he had stated that he assessed something to be an aggravation of a pre-existing problem if the symptoms settled down. Dr. Arnold agreed that his records set forth that when the claimant came back to see him on follow up after he was seen on October 10, 2005, that the claimant was back at baseline, much better but still not normal.

The medical records set forth that Dr. Tom Patrick Coker assessed the claimant with having a torn posterior horn medial meniscus for which he operated on the claimant performing scope. Dr. Coker assessed the claimant with a 3 percent impairment rating to the lower extremity on September 3, 1997. On February 29, 2000, Dr. James Arnold writes to the claimant's attorney that the claimant has undergone an arthroscopy on February 11, 2004, for a torn medial meniscus and that he also had some fibrillation of his femoral condyle. The claimant continued to be followed by Dr. Arnold throughout 2000 for his left knee problems. Dr. Christopher Arnold writes on October 8, 2002, that he has seen the claimant, noting that he had a work related injury in 1997 which Dr. Coker scoped at that time. Dr. Arnold writes that his father, James

Arnold, rescoped the claimant's knee in 2000. Dr. Christopher Arnold writes that approximately three weeks ago the claimant experienced another work related injury and has had persistent knee pain since that time located over the medial joint line. Dr. Arnold treated the claimant conservatively throughout 2002 and into 2003. Dr. Arnold writes on June 10, 2003, that despite a conservative program consisting of quad sets, anti-inflammatories, physical therapy and an injection, the claimant has continued to have persistent knee pain. Dr. Arnold notes that the claimant continues to have significant pain and swelling and at this time desires another scope. On July 2, 2003, Dr. Arnold again operated on the claimant's left knee and on November 25, 2003, Dr. Arnold assessed the claimant with a 17 percent lower extremity impairment rating. On July 15, 2004, Dr. Arnold writes that the claimant reports that he had a new injury at work eight days earlier when he twisted his knee, felt a pop and had pain. Dr. Arnold notes that the claimant reports that his knee is slowly improving but it is not normal. Dr. Arnold recommended that the claimant limit his activities and gave him work restrictions as well as offered him an injection which the claimant refused since his condition was improving. On December 3, 2004, Dr. Arnold writes that the claimant reports that he is doing better than he was before his surgery but is still having some symptoms. Dr. Arnold mentions the claimant's July 2004 event noting that he is doing better and the doctor notes that there is a chance that the claimant could have further problems with his knee which would require further

treatment. The doctor recommended that the claimant continue with his current work restrictions and to see him back in one year.

Dr. James Mulholland saw the claimant on March 29, 2005, and after interviewing the claimant and reviewing most of the claimant's pertinent medical records as well as his different test results, Dr. Mulholland writes that the claimant's weight gain of thirty pounds since his injury is detrimental to his knee condition and weight loss was discussed with the claimant. Dr. Mulholland notes that a total knee replacement was discussed but did not feel that the claimant was in need of this any time soon. Dr. Mulholland further writes that he does not think that a total knee replacement in the future would be related to the claimant's present status. Dr. Mulholland also disagreed with Dr. Chris Arnold's impairment rating.

Dr. Christopher Arnold writes on October 10, 2005, that the day before the claimant twisted his knee, felt a pop and felt the knee give out. The doctor notes that the claimant is getting better. After examination, Dr. Arnold notes that it is his opinion that the claimant aggravated his knee but could not rule out an additional injury. Dr. Arnold administered an injection to the claimant and scheduled a return visit. Dr. Arnold writes to the claimant's attorney on November 2, 2005, that, "I do think all of Mr. Wilson's (the claimant) problems to his left knee date back to his initial injury in the remote past. He has continued to have re-aggravation. This has all been at the same job site. His current knee problem is related to his prior injuries." On

November 8, 2005, Dr. Arnold writes that he has seen the claimant who is much better after his injection noting that he is back at his base line but is still not normal. After examination, Dr. Arnold again writes that he thinks the claimant's problems are secondary to the chondral injuries noting that he is back to his base line. Dr. Arnold made some recommendations and scheduled a return visit in six months. On March 21, 2006, Dr. Arnold writes that the claimant was doing pretty well until at work he hyper extended his knee, noting that the claimant reported that it felt like it went out on him. Dr. Arnold notes that the claimant reports that it hurt badly for a couple of days but has now plateaued. Again Dr. Arnold notes that he thinks the claimant has re-aggravated his underlying post traumatic arthrosis. Dr. Arnold administered an injection to the claimant's left knee and recommended some restrictions as well as to return in two months.

Non medical documentation presented by the respondents included a letter from the claimant's attorney dated December 6, 2004, setting forth that she had received the joint petition documents. The claimant's attorney writes that she had made contact with the claimant and he had had an appointment with Dr. Arnold after which the claimant had decided that he did not want to take the settlement. The claimant's attorney does note that the offer outstanding was six months old but expressed hope that the case could be settled.

After a complete review of this entire case, I find that the claimant has proven by a preponderance of the evidence that he

experienced a recurrence of his pre-existing left knee condition. The claimant has testified that depending on his work load he has experienced popping and his knee giving way which resulted in him becoming symptomatic once again. The evidence has indicated that after a period of time and perhaps some conservative treatment the claimant would then return to what is considered his baseline condition, not completely non-symptomatic but livable. Dr. Arnold, in his deposition as well as in his medical notes, refers to the claimant having an aggravation of his pre-existing condition which would seem to mean that he has exacerbated his pre-existing condition and after a period of time perhaps with conservative treatment would then return to baseline. The claimant did not sustain an additional injury on October 9, 2005, but a temporary exacerbation of his pre-existing left knee problems. Dr. Arnold has stated that it takes less and less strain on the claimant's knee to cause it to become symptomatic for a period of time before it can and will return to its baseline condition. The evidence presented sets forth that after the claimant was seen by Dr. Arnold on October 10, 2005, administered an injection and then seen again in November, his condition had noticeably improved to the point where no additional treatment was needed. Dr. Arnold has stated that if the claimant had sustained a new injury, such as a loose body in his left knee, his symptoms would not have improved. I further find that the claimant is entitled to additional medical treatment for his compensable injuries. The testimony has been and the medical records set forth that the claimant has continually

been in need of medical treatment for his compensable injuries subsequent to April 21, 2005. Dr. Arnold has clearly set forth that due to the claimant's 1997 injuries as well as the additional traumas which the claimant has experienced to his left knee, he will require further medical treatment in the future. Therefore, the respondents should pay for all additional medical treatment for this claimant's compensable left knee injuries.

On November 25, 2003, Dr. Arnold assessed the claimant with a 17 percent lower extremity impairment rating. A review of the Commission's file indicates that this case was on appeal to the Full Commission at the time this impairment rating came down. On April 22, 2004, the Full Commission denied and dismissed the claimant's appeal. On June 9, 2004, a pre-hearing conference was scheduled by letter to the parties for June 29, 2004, on the issues as set forth in the pre-hearing ordered dated October 21, 2003. By letter dated June 28, 2004, the claimant's attorney requested that the pre-hearing conference be canceled and that the file be returned to Little Rock, noting that the issue was controversion and he would wait for his fee. On July 29, 2004, the claimant's attorney requested that the case be reentered on the docket for a hearing on the matter of controversion, noting that the case had already been pretried. On August 9, 2004, the parties were contacted that a pre-hearing conference had been scheduled for August 31, 2004, and a request was made that the parties amend their previous pre-hearing questionnaires. On August 31, 2004, the parties were sent a letter setting forth that at the request of the

claimant, the issue of controversion had been withdrawn and the case was being returned to general files in Little Rock. A letter was received at the Commission on November 22, 2004, from the respondents setting forth that the parties had reached a tentative settlement, a joint petition was being presented and a hearing on said joint petition was requested. By letter dated November 30, 2004, the parties were informed that a joint petition hearing had been scheduled for December 7, 2004. In Respondents' Exhibit No. 2 there is a letter dated December 6, 2004, from the claimant's attorney to the respondents' attorney indicating that after the claimant had seen Dr. Arnold he had decided not to settle his case. This same letter sets forth that the offer to settle this matter had been outstanding for six months. The medical records indexes set forth that the claimant was receiving treatment from Dr. Chris Arnold throughout 2003. There is no indication that any of these bills were controverted and in November 2003 the claimant underwent an evaluation as well as a functional capacity evaluation which it is assumed were billed to the respondent/carrier. It would only be logical to assume that when Dr. Chris Arnold assessed the claimant with a 17 percent left lower extremity impairment rating on November 25, 2003, he also would have forwarded this information to the respondent/carrier. Arkansas law sets forth that installment payments are due the claimant within fifteen days after they become due unless an extension is requested for investigation of the medical information. In this case some six to seven months have lapsed between the entry of the impairment rating and any

indication that the parties had entered into settlement negotiations. Therefore, the respondents should pay the maximum statutory attorney's fees on the impairment rating assessed by Dr. Arnold less the original 3 percent rating previously given.

FINDINGS & CONCLUSIONS

1. The Arkansas workers' Compensation Commission has jurisdiction of this claim.

2. All prior opinions are res judicata and the law of this case.

3. The respondents have paid a 20 percent impairment to the knee.

4. The claimant has proven by a preponderance of the evidence that he sustained a recurrence of his compensable left knee injury on October 9, 2005. See discussion above.

5. The respondents should pay for all reasonable and necessary medical treatment for this claimant's compensable left knee injury subsequent to April 25, 2005.

6. The claimant's attorney is entitled to the maximum statutory attorney's fee based on the controverted impairment rating as assessed by Dr. Chris Arnold less the 3 percent rating previously given. See discussion above.

ORDER

The claimant experienced a recurrence of his compensable left knee injury on October 9, 2005. Therefore, the claimant's need for additional medical treatment is as a result of his compensable injuries and should be at the expense of the respondents.

The respondents should pay for all reasonable and necessary medical treatment for this claimant's compensable injuries subsequent to April 21, 2005.

The claimant's attorney is entitled to the maximum statutory attorney's fee on the impairment rating as assessed by Dr. Arnold less the 3 percent which was previously accepted and paid by the respondents. Therefore, a fee should be derived from a 14 percent left lower extremity impairment rating.

The respondents shall pay to the claimant's attorney the maximum statutory attorney's fee on the additional benefits awarded herein, with one half of said attorney's fee to be paid by the respondents in addition to such benefits and one half of said attorney's fee to be withheld by the respondents from such benefits.

All benefits herein awarded which have heretofore accrued are payable in a lump sum without discount.

This award shall bear the maximum legal rate of interest until paid.

IT IS SO ORDERED.

ELIZABETH DANIELSON
ADMINISTRATIVE LAW JUDGE