

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. F700500

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| LAWANDA ROBERTS, EMPLOYEE | CLAIMANT |
| HAYS FOOD TOWN, INC., EMPLOYER | RESPONDENT NO. 1 |
| BENCHMARK INSURANCE COMPANY, INSURANCE CARRIER | RESPONDENT NO. 1 |
| SECOND INJURY FUND | RESPONDENT NO. 2 |

AMENDED OPINION AND ORDER FILED JUNE 9, 2008

A hearing was held in this case on March 6, 2008. An Opinion was entered on June 4, 2008. Due to an inadvertent error in the June 4, 2008, Opinion, the Findings of Fact and Conclusions of Law on Page 20-21 of the Opinion are amended to read as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. The employer/employee/carrier relationship existed at all relevant times, including December 28, 2006.
3. The claimant was earning an average weekly wage of \$270.00, resulting in an applicable temporary total disability compensation rate of \$180.00.
4. The respondents have controverted this claim in its entirety.
5. Claimant has proven by a preponderance of the evidence that she suffered a compensable injury at a specific date and time, i.e.

December 28, 2006, to her low back and that her need for medical treatment from Dr. Bell, Wilson and Lipke from December 29, 2006, until the administration of the steroid epidural injections in 2007, was reasonable and necessary and causally related to her compensable work-related injury.

6. The preponderance of the evidence demonstrates new objective clinical findings to support a compensable injury
7. Claimant has proven by a preponderance of the evidence that she is entitled to temporary total disability benefits from December 29, 2006, until a date yet to be determined. For the period of time the claimant collected unemployment benefits, the claimant is entitled to received temporary total disability benefits to the extent that they exceed the amount of unemployment benefits collected by claimant. Ark. Code Ann. § 11-9-506(b),
8. Claimant is entitled to a twenty-five percent (25%) statutory attorney's fee on the indemnity benefits awarded herein, one-half to be paid by the respondents and one-half to be withheld from the claimant's award of benefits.

All other provisions of the June 4, 2008, Opinion and Order shall remain as originally set forth therein.

IT IS SO ORDERED.

BARBARA WEBB
Administrative Law Judge