

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E908040 & F011482

BRENDA PAYNE,  
EMPLOYEE

CLAIMANT

REGIONS FINANCIAL CORPORATION,  
EMPLOYER

RESPONDENT

PACIFIC INDEMNITY INSURANCE,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED AUGUST 13, 2003

Upon review before the FULL COMMISSION in Little Rock,  
Pulaski County, Arkansas.

Claimant represented by HONORABLE EDDIE WALKER, JR.,  
Attorney at Law, Fort Smith, Arkansas.

Respondents represented by HONORABLE CAROL WORLEY, Attorney  
at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and  
adopted.

OPINION AND ORDER

The respondents appeal from a decision of the  
Administrative Law Judge filed January 9, 2003. The  
Administrative Law Judge entered the following findings of  
fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On June 16, 1999, the relationship of employee-employer-carrier existed between the parties.
3. On June 16, 1999, the claimant earned wages sufficient to entitle her to weekly

compensation benefits of \$375.00 for total disability and \$281.00 for permanent partial disability.

4. On June 16, 1999, the claimant sustained a compensable injury to her lower back or lumbar spine.
5. There is no dispute, at present, over the payment of medical expenses or temporary disability benefits.
6. The claimant's healing period from the effects of her compensable injury ended or (sic) about October 23, 2001. The claimant has sustained a permanent partial disability of 28% to the body as a whole, as a result of the effects of her compensable injury and subsequent surgeries. This includes permanent partial disability attributable to permanent physical impairment in the amount of 13% to the body a (sic) whole, and permanent partial disability attributable to permanent "functional" disability or loss of wage earning capacity in the amount of 15% to the body as a whole.
7. The respondents have controverted the claimant's entitlement to any permanent disability benefits in excess of 13% to the body as a whole.
8. A reasonable fee for the claimant's attorney is the maximum statutory attorney's fee on all permanent partial disability benefits herein awarded, which are in excess of 13% to the body as a whole.

We have carefully conducted a de novo review of the entire record herein, and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies

the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings of fact made by the Administrative Law Judge are correct, and they are, therefore, adopted by the Full Commission.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of the Administrative Law Judge's decision in accordance with Ark. Code Ann. § 11-9-809 (Repl. 1996).

For prevailing on this appeal before the Full Commission, the claimant's attorney is hereby awarded an additional attorney's fee in the amount of \$250.00 in accordance with Ark. Code Ann. § 11-9-715 (Repl. 1996).

IT IS SO ORDERED.

---

OLAN W. REEVES, Chairman

Commissioner Turner concurs in part and dissents in part.

CONCURRING AND DISSENTING OPINION

\_\_\_\_\_I concur with the finding in the principal opinion that claimant is entitled to benefits for a loss in wage-earning capacity in an amount equal to at least 15% to the body as a whole. However, I must respectfully dissent from the failure to award additional benefits for wage-loss disability.

\_\_\_\_\_  
SHELBY W. TURNER, Commissioner

Commissioner Yates dissents.