

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F207918/F209147/F209667

VELDON SWAFFORD,
EMPLOYEE

CLAIMANT

MARKS SUPPLY COMPANY,
EMPLOYER

RESPONDENT

TRAVELERS INSURANCE COMPANY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED JULY 9, 2003

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

Claimant represented by HONORABLE JAY TOLLEY, Attorney at
Law, Fayetteville, Arkansas.

Respondents represented by HONORABLE ROBERT MONTGOMERY,
Attorney at Law, Roland, 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 2, 2003. The
Administrative Law Judge entered the following findings of
fact and conclusions of law:

1. The stipulations agreed to by the parties at
the pre-hearing conference conducted on
September 18, 2002, and contained in a pre-
hearing order filed September 20, 2002, are
hereby accepted as fact.
2. The parties' stipulation that claimant earned
an average weekly wage of \$395.00 which would
entitle him to compensation at the rates of

\$263.00 for total disability benefits and \$197.00 for permanent partial disability benefits is also hereby accepted as fact.

3. Claimant has met his burden of proving by a preponderance of the evidence that he suffered a compensable injury to his back while working for respondent on or about October 1, 2001 and again on July 31, 2002.
4. Claimant has proven by a preponderance of the evidence that as a result of his compensable injuries he is entitled to temporary total disability benefits beginning December 4, 2001, and continuing through December 10, 2001, and again beginning July 31, 2002 and continuing through a date yet to be determined.
5. Claimant has also proven by a preponderance of the evidence that he is entitled to temporary partial disability benefits beginning December 11, 2001 and continuing until the date he returned to full employment for the respondent.
6. Respondent is liable for payment of all reasonable and necessary medical treatment provided in connection with claimant's compensable injuries.
7. Respondent has controverted claimant's entitlement to all unpaid disability benefits.

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

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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. 2002).

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 \$500.00 in accordance with Ark. Code Ann. § 11-9-715 (Repl. 2002).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

Commissioner Yates dissents.