

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F009168

DINA WYLAND, EMPLOYEE	CLAIMANT
UNIVERSITY OF ARKANSAS, EMPLOYER	RESPONDENT
PUBLIC EMPLOYEE CLAIMS DIVISION, INSURANCE CARRIER	RESPONDENT

OPINION FILED JULY 2, 2003

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

Claimant represented by HONORABLE PHILIP WILSON, Attorney at Law, Little Rock, Arkansas.

Respondent represented by HONORABLE THOMAS PENDOWSKI, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The respondent appeals from a decision of the Administrative Law Judge filed November 14, 2002.

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 July 18, 2002, and contained in a pre-hearing order filed July 19, 2002, are hereby accepted as fact.
2. The stipulations agreed to by the parties contained in Mr. Pendowski's letter dated October 9, 2002, with the

exception of Stipulation Numbers 7 and 8, are also hereby accepted as fact.

3. Claimant's average weekly wage should be calculated based upon the "reasonable value" of housing provided to her by respondent at the time of her accident. This amount equals \$400.00 per month.

4. Respondent has controverted the difference in compensation benefits paid based upon an average weekly wage calculated to include a housing value of \$191.67 per month versus a housing value of \$400.00 per month.

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.

For prevailing on this appeal before the Full Commission, 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(b) (Repl. 1996).

Wyland - F009168

3

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

Commissioner Yates dissents.