

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F212620

LEIGHTON BALLARD,
EMPLOYEE

CLAIMANT

CARROLL COUNTY JUDGE,
EMPLOYER

RESPONDENT

AAC RISK MANAGEMENT SERVICES,
INSURANCE CARRIER

RESPONDENT

OPINION FILED JUNE 28, 2004

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

Claimant represented by HONORABLE JASON WATSON, Attorney at
Law, Fayetteville, Arkansas.

Respondents represented by HONORABLE MICHAEL RYBURN,
Attorney at Law, Fayetteville, Arkansas.

Decision of the Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

This case comes on for review by the Full
Commission on appeal by respondents from an opinion filed
herein by an Administrative Law Judge on October 6, 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 May 18, 2001, the relationship of employee-employer-carrier existed between the parties.
3. The claimant is entitled to a compensation rate of \$303.00 for temporary total disability and \$227.00 for permanent partial disability.
4. The parties have agreed that the claimant has continued to receive his regular salary since May 18, 2001.
5. The claimant has proven by a preponderance of the evidence that he sustained a compensable injury to his low back as well as to his neck in his altercation with a suspect on May 18, 2001, while he was working for the respondent.
6. The respondents should pay for the cost of this claimant's medical treatment for his compensable injuries.
7. The claimant is entitled to temporary total disability to be paid by the respondents from the date he last receives his regular salary to a date to be determined.
8. The respondents have controverted this claim in its entirety.
9. The claimant's attorney is entitled to the maximum statutory attorney's fee for the benefits awarded herein. It is noted that no attorney's fee will attach to the temporary total disability until this benefit begins to be paid when

the respondents discontinue his regular salary.

10. This case falls prior to the change in attorney's fees, therefore, an attorney's fee is awarded on medicals as well.

We have carefully conducted a de novo review of the entire record herein, and it is our opinion that the decision of the Administrative Law Judge is correct 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.

We therefore affirm the October 6, 2003 opinion of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the opinion as the decision of the Full Commission. 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).

Since the claimant's injury occurred prior to July 1, 2001, the claimant's attorney's fee is governed by the provisions of Ark. Code Ann. § 11-9-715 as it existed prior to the amendments of Act 1281 of 2001. Compare Ark. Code

Ann. § 11-9-715 (Repl. 1996) with Ark. Code Ann. § 11-9-715 (Repl. 2002). 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).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.