

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F110454

ONETA HENDERSON,
EMPLOYEE

CLAIMANT

MAGNET COVE SCHOOL DISTRICT,
SELF-INSURED EMPLOYER

RESPONDENT NO. 1

SECOND INJURY FUND,
INSURANCE CARRIER

RESPONDENT NO. 2

OPINION FILED MAY 6, 2004

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

Claimant represented by HONORABLE GARY DAVIS, Attorney at
Law, Little Rock, Arkansas.

Respondent No. 1 represented by HONORABLE BETTY J. DEMORY,
Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE DAVID L. PAKE,
Attorney at Law, Little Rock, 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 Respondent No. 1 from an opinion
filed herein by an Administrative Law Judge on October 27,
2003.

The Administrative Law Judge entered the following
findings of fact and conclusions of law:

1. There was a compensable August 24, 2001 injury.
2. The temporary total disability rate is \$123.
3. Respondent No. 1 has accepted a 13% permanent impairment rating and are (sic) paying benefits.
4. The claimant has proven by a preponderance of the evidence that she is permanently and totally disabled as a result of her August 24, 2001 compensable work injury.
5. Respondent No. 1 has failed to prove by a preponderance of the evidence that the claimant's pre-existing condition combined with the most recent compensable injury to produce the claimant's current disability status.
6. The Second Injury Fund is dismissed from this claim.

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 27, 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 after July 1, 2001, the claimant's attorney's fee is governed by the provisions of Ark. Code Ann. § 11-9-715 as amended by 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 \$500.00 in accordance with Ark. Code Ann. § 11-9-715(b) (Repl. 2002).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.