

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F208886

RONALD HODGE, EMPLOYEE	CLAIMANT
CLARIDGE PRODUCTS & EQUIPMENT, INC., EMPLOYER	RESPONDENT NO. 1
LIBERTY MUTUAL INSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT NO. 1
FIREMAN'S FUND, INSURANCE CARRIER	RESPONDENT NO. 2
SECOND INJURY FUND	RESPONDENT NO. 3

OPINION FILED JUNE 9, 2004

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

Claimant represented by HONORABLE M. KEITH WREN, Attorney at
Law, Little Rock, Arkansas.

Respondents No. 1 represented by HONORABLE JAMES A. ARNOLD
II, Attorney at Law, Fort Smith, Arkansas.

Respondent No. 2 represented by HONORABLE WHITNEY L. MOORE,
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, 2004. 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. The employee/employer relationship existed between Ronald Hodge and Claridge Products at all relevant times.
3. The employer/carrier relationship existed between Claridge Products and Liberty Mutual on all relevant dates after July 1, 1999.
4. The claimant sustained a compensable injury to his low back on or about October 19, 1998 while Claridge Products' workers' compensation coverage was provided by Firemen's Fund.
5. The claimant's compensation rate for that 1998 injury was \$354/\$266 per week.
6. The claimant was paid temporary total disability benefits from November 16, 1998 through January 24, 1999 and from June 7, 1999 through October 11, 1999.
7. The claimant sustained a 9% impairment rating to the body as a whole for the 1998 injury which was paid.
8. The claimant's compensation rate for temporary total disability on July 26, 2002 was \$341 per week.
9. Any claim for additional benefits for the claimant's October 19, 1998 compensable low back injury is barred by the applicable statute of limitations.
10. The claimant sustained compensable low back injury at the L5-S1 level of the spine on July 26, 2002.
11. The respondents have controverted this claim in its entirety.

12. The claimant's attorney is entitled to the statutorily prescribed statutory attorney's fee in Ark. Code Ann. § 11-9-715 (Repl. 2003).

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. In affirming and adopting the decision, we further find that Respondent No. 1 is responsible for all reasonable and necessary medical treatment. 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.