

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F304722

RONNIE C. HUDSON, EMPLOYEE	CLAIMANT
CITY OF LITTLE ROCK, EMPLOYER	RESPONDENT
RISK MANAGEMENT RESOURCES, INSURANCE CARRIER	RESPONDENT

OPINION FILED OCTOBER 19, 2004

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

Claimant represented by HONORABLE STEVEN R. McNEELY,  
Attorney at Law, Little Rock, Arkansas.

Respondent represented by HONORABLE BETTY J. DEMORY,  
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The respondents appeal from a decision of the  
Administrative Law Judge filed June 15, 2004.

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

1. The employee-employer-carrier relationship existed at all relevant times.
2. Claimant sustained a compensable injury on June 1, 2002.
3. Claimant has proven by a preponderance of the evidence that his need for additional medical treatment for his right shoulder is causally

connected to his compensable injury of June 1, 2002. Specifically, Dr. Collins' June 4, 2002 impression of a possible rotator cuff tear in Claimant's right shoulder is consistent with the November 7, 2002 radiology report following Claimant's right shoulder arthrogram which noted "Exam is positive for a tear of the rotator cuff."

4. The record fails to establish the existence of an independent intervening cause which caused or prolonged Claimant's disability or need for treatment of his right shoulder.

5. Claimant is entitled to a one-time change of physicians (sic) by following the procedures prescribed by Ark. Code Ann. § 11-9-514 and the Commission.

6. Respondents controverted Claimant's request for a change of physicians (sic).

7. Claimant's attorney is entitled to an attorney's fee in the amount of \$200.00 under Ark. Code Ann. § 11-9-715(c)(1) for prevailing on the issue of change of physicians (sic).

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. 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). 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).

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.