

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F112639

RONNIE KOEPEL,  
EMPLOYEE

CLAIMANT

KIRBY FREEMAN DBA FREEMAN CONTRACTORS,  
AN UNINSURED EMPLOYER

RESPONDENT NO. 1

BESHEARS PROFESSIONAL COMMUNICATIONS  
DBA PRO COMM INGROUND SERVICES,  
AN UNINSURED EMPLOYER

RESPONDENT NO. 2

SOUTHERN PERSONNEL MANAGEMENT

RESPONDENT NO. 3

WAUSAU INSURANCE COMPANY,  
CARRIER

RESPONDENT NO. 3

OPINION FILED MARCH 24, 2004

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

Claimant represented by HONORABLE MARK FORD, Attorney at  
Law, Fort Smith, Arkansas.

Respondent No. 1 represented by HONORABLE JOHN BEASLEY,  
Attorney at Law, Fort Smith, Arkansas.

Respondent No. 2 represented by HONORABLE RODNEY MILLS,  
Attorney at Law, Fort Smith, Arkansas.

Respondent No. 3 represented by HONORABLE JAMES ARNOLD, II,  
Attorney at Law, Fort Smith, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondents No. 1 and No. 2 appeal from a decision  
of the Administrative Law Judge filed August 29, 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 October 17, 2001, the relationship of employee-uninsured actual employer-uninsured statutory employer existed between the claimant, Kirby Freeman, dba Freeman Contractors, and Beshears Professional Communications, dba Pro Comm Inground Services.
3. On October 17, 2001, the claimant was not an employee of Southern Personnel Management.
4. On October 17, 2001, the claimant sustained a compensable injury to his left hand/index finger.
5. The medical services rendered to the claimant by and at the direction of personnel at the emergency room of St. Edwards Mercy Medical Center and by and at the direct of Dr. R. Cole Goodman for this compensable left hand/index finger injury constitutes reasonably necessary medical services, within the meaning of Ark. Code Ann. § 11-9-508. Pursuant to the provisions of this section, both of the respondents are liable for the expense of these services.
6. The claimant is entitled to temporary total disability benefits, pursuant to Ark. Code Ann. § 11-9-521(a), for the period of October 18, 2001 through March 17, 2002. He has proven that during this period he continued within his healing period from the effects of his compensable injury and had not returned to employment.

7. On October 17, 2001, the claimant was earning an average weekly wage of \$320.00, which would entitle him to weekly compensation benefits of \$213.00 for total disability and \$160.00 for permanent partial disability.
8. Both the respondents have denied the occurrence of a "compensable injury" to the claimant's left hand/index finger and have controverted his entitlement to any benefits.
9. A reasonable fee for the claimant's attorney is the maximum statutory attorney's fee on all indemnity benefits herein awarded.

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).

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.