

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F302847

ENOS W. JONES,  
EMPLOYEE

CLAIMANT

L & J UTILITIES, INC.,  
UNINSURED EMPLOYER

RESPONDENT

OPINION FILED AUGUST 20, 2004

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

Claimant represented by HONORABLE MICHAEL LeBOEUF, Attorney  
at Law, Little Rock, Arkansas.

Respondents represented by HONORABLE EMILY PAUL, 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 April 6, 2004. The  
Administrative Law Judge entered the following findings of  
fact and conclusions of law:

1. The employee-employer relationship existed at  
all relevant times.
2. The respondent is un-insured.
3. The claimant's average weekly wage is \$15.50  
per hour for a 32 hour work week.
4. The preponderance of the evidence reflects  
that the claimant sustained a compensable

right upper extremity injury on October 17, 2002.

5. The preponderance of the evidence reflects that the medical treatment rendered to and proposed for claimant was (and is) reasonably necessary and related to the compensable injury.
6. The preponderance of the evidence reflects that the claimant is entitled to an attorney's fee as discussed hereinafter.

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.