

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F202307

PAMELA McWILLIAMS,  
EMPLOYEE

CLAIMANT

BUZZ BUY CONVENIENCE STORE,  
EMPLOYER

RESPONDENT

FEDERATED MUTUAL INSURANCE CO.,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED FEBRUARY 5, 2004

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

Claimant represented by HONORABLE F. MATTISON THOMAS III,  
Attorney at Law, El Dorado, Arkansas.

Respondents represented by HONORABLE NELSON V. SHAW,  
Attorney at Law, Texarkana, Texas.

Decision of the Administrative Law Judge: Affirmed and  
adopted.

OPINION AND ORDER

The respondents appeal from a decision of the  
Administrative Law Judge filed September 29, 2003. The  
Administrative Law Judge entered the following findings of  
fact and conclusions of law:

1. The stipulations agreed to by the parties at the prehearing telephone conference conducted on June 16, 2003 and contained in the Prehearing Order filed on that same date are hereby accepted as fact.
2. Claimant received temporary total disability benefits at the rate of \$130 per week.
3. Claimant earned an average weekly wage of \$226.00 which computes to a temporary total disability rate of \$151.00 per week.

4. Claimant has proven entitlement to additional temporary total disability benefits for the difference between benefits paid at \$130.00 per week and the correct compensation of \$151.00.
5. Claimant's healing period for the compensable right knee injury ended on June 11, 2002
6. Claimant has failed to prove by a preponderance of the evidence that she remained within her healing period after June 11, 2003 (sic); therefore, claimant has failed to prove entitlement to additional temporary total disability for her right knee injury subsequent to this date.
7. Claimant has proven by a preponderance of the evidence that she sustained a compensable consequence injury to her back on or about June 23, 2003 (sic), when she fell as (sic) result of her compensable knee injury, incurring (sic) her back.
8. Claimant remains in her healing period and totally incapacitated from earning wages as a result of her compensable back injury.
9. Claimant has proven by a preponderance of the evidence entitlement to additional temporary total disability benefits from June 24, 2003 (sic) through a date yet to be determined.
10. Respondents have controverted claimant's entitlement to the benefits 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

Special Commissioner Mike Wilson dissents.