

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F309816

TED L. SUTTON,
EMPLOYEE

CLAIMANT

COOPER TIRE & RUBBER CO.,
SELF-INSURED EMPLOYER

RESPONDENT

CROCKETT ADJUSTMENT,
TPA

RESPONDENT

OPINION FILED SEPTEMBER 20, 2004

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

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

Respondents represented by HONORABLE WILLIAM G. BULLOCK,
Attorney at Law, Texarkana, Texas.

Decision of the Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

This case comes on for review by the Full
Commission on appeal by respondents from an opinion filed
herein by an Administrative Law Judge on March 12, 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 stipulations agreed to by the parties are reasonable and are hereby accepted as fact.
3. The claimant has proven by a preponderance of the evidence that he sustained an injury causing internal or external physical harm to the body, requiring medical services and resulting in disability; and that the existence and extent of his carpal tunnel injury is established by medical evidence supported by objective findings.
4. The claimant has proven by a preponderance of the evidence that his carpal tunnel injury is the major cause of his disability and need for treatment.
5. The claimant has proven by a preponderance of the evidence a causal connection between his work and his carpal tunnel injury.
6. The claimant has proven by a preponderance of the evidence that his carpal tunnel injury arose out of and in the course of his employment.
7. The claimant has therefore proven by a preponderance of the evidence that he sustained a compensable injury to his right hand in the form of carpal tunnel syndrome.
8. The claimant has proven by a preponderance of the evidence that the treatment he has received for his carpal tunnel syndrome has been reasonably necessary in connection with his compensable injury.

9. The claimant has proven by a preponderance of the evidence that he is entitled to temporary total disability benefits for the time he was off from work during his healing period.
10. The respondents are entitled to an offset for benefits paid by group health or disability insurance, per Ark. Code Ann. § 11-9-411.
11. The respondents have controverted this claim in its entirety.

We have carefully conducted a de novo review of the entire record herein, and it is our opinion that the decision of the Administrative Law Judge is correct 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.

We therefore affirm the March 12, 2004 opinion of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the opinion as the decision of the Full Commission. 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.