

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F203688

WILLIAM N. WEBB,
EMPLOYEE

CLAIMANT

DANIELS GENERAL CONTRACTORS, INC.,
EMPLOYER

RESPONDENT

FEDERATED MUTUAL INSURANCE COMPANY,
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED JUNE 16, 2004

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

Claimant represented by HONORABLE RICHARD A. REID, Attorney
at Law, Blytheville, Arkansas.

Respondents represented by HONORABLE ERIC NEWKIRK, Attorney
at Law, Little Rock, Arkansas.

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 December 9, 2003.

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

1. The Arkansas Workers' Compensation
Commission has jurisdiction over
this claim.

2. The stipulations agreed to by the parties are hereby accepted as fact.
3. The claimant has proven, by a preponderance of the evidence, that he is entitled to further examination and evaluation of his right lower extremity to determine the true nature and extent of the injury sustained as the result of the admitted, April 4, 2002, injury, specifically, further evaluation and possible treatment by an orthopedic specialist which has been recommended by the claimant's authorized and primary treating physician, Dr. R. Scott Fergus.
4. Respondents are responsible for all reasonably, necessary medical costs for the claimant to be examined and evaluated by Dr. Joseph Yao, an orthopedic surgeon in Blytheville, Arkansas, pursuant to a valid referral from Dr. Fergus.
5. The claimant has shown, by a preponderance of the credible evidence, that his right knee complaints are either directly related to the April 4, 2002, incident, or a compensable consequence thereof and that respondents are responsible for further evaluation and treatment, if necessary.
6. The claimant has specifically reserved the issue of entitlement to additional disability benefits.

7. Respondents have controverted all benefits beyond those previously paid.

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 December 9, 2003 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

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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.