

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F400719

ROBERT BERRY,
EMPLOYEE CLAIMANT

WOODS RIVERBEND RESTAURANT,
EMPLOYER RESPONDENT

TRAVELERS INSURANCE COMPANY,
INSURANCE CARRIER RESPONDENT

OPINION FILED JULY 7, 2005

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

Claimant represented by the HONORABLE JIM R. BURTON,
Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE ROBERT H.
MONTGOMERY, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Respondents appeal an opinion and order of
the Administrative Law Judge filed February 17, 2005.

In said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. The parties stipulate to the
employment relationship on October
31, 2003 and at all relevant
times.
2. The parties stipulate to a
wage rate of \$7.50 per hour.

3. The claimant has established the compensability of his inguinal hernias and his umbilical hernia.

4. The respondents are liable for reasonable medical expenses in connection with the claimant's compensable hernias pursuant to Ark. Code Ann. § 11-9-523(b)(1).

5. By agreement of the parties the issues of temporary total disability and permanent partial disability are hereby reserved.

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 made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the February 17, 2005 decision 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 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.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.