

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F403006

GARLAND ARMER,
EMPLOYEE

CLAIMANT

SUPERIOR INDUSTRIES,
EMPLOYER

RESPONDENT

CROCKETT ADJUSTMENT,
INSURANCE CARRIER

RESPONDENT

OPINION FILED JANUARY 13, 2005

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

Claimant represented by HONORABLE JASON WATSON, Attorney at
Law, Fayetteville, Arkansas.

Respondents represented by HONORABLE CURTIS L. NEBBEN,
Attorney at Law, Fayetteville, 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 September 2, 2004.

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

1. The stipulations agreed to by the parties at the pre-hearing conference conducted on June 9, 2004 and contained in a pre-hearing order filed that same date, are hereby accepted as fact.

2. The parties' stipulation that claimant is entitled to the maximum compensation rate of \$453.00 per week for temporary total disability benefits is also hereby accepted as fact.
3. The parties' stipulation that claimant received short-term disability benefits from January 29, 2004 through May 20, 2004 at the rate of \$164.00 per week is also hereby accepted as fact.
4. Claimant has proven by a preponderance of the evidence that he suffered a compensable injury to his right knee while working for respondent on January 22, 2004. Specifically, claimant has proven that he suffered an aggravation of a pre-existing condition.
5. Respondent is liable for payment of all reasonable and necessary medical treatment provided in connection with claimant's compensable right knee injury.
6. Claimant is entitled to temporary total disability benefits beginning January 23, 2004 and continuing through June 9, 2004.
7. Pursuant to A.C.A. § 11-9-411 respondent is entitled to credit for benefits paid to claimant by third parties. This includes medical treatment and short-term disability benefits.
8. To the extent that a child support lien remains in effect against the claimant, respondent is to pay up

to 25% of the indemnity benefits to the Office of Child Support Enforcement.

9. Respondent has controverted claimant's entitlement to indemnity benefits.

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 September 2, 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.