

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E913010

BILL D. KRANTZ,  
EMPLOYEE

CLAIMANT

WEYERHAEUSER CO.,  
SELF-INSURED EMPLOYER

RESPONDENT

OPINION FILED APRIL 26, 2005

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

Claimant represented by HONORABLE ORVIN W. FOSTER, Attorney  
at Law, Mena, Arkansas.

Respondents represented by HONORABLE JUDY R. WILBER,  
Attorney at Law, Little Rock, Arkansas.

Decision of the Administrative Law Judge: Affirmed and  
adopted.

OPINION AND ORDER

The respondents appeal from a decision of the  
Administrative Law Judge filed July 21, 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 the back surgery and  
related treatment by Dr. Arthur was  
reasonably necessary in connection with his  
compensable injury.

4. The claimant has proven by a preponderance of the evidence that he was within his healing period until six months after his surgery, that is, until March 26, 2001.
5. The claimant has proven by a preponderance of the evidence that he was totally incapacitated from earning wages during his healing period.
6. The claimant has proven by a preponderance of the evidence that he is entitled to additional temporary total disability benefits from the date those benefits were terminated, September 26, 2000, until the end of his healing period, March 26, 2001.
7. The claimant has proven by a preponderance of the evidence that he has sustained permanent anatomical impairment of 5%.
8. The claimant has proven by a preponderance of the evidence that he is unable, because of his compensable injury, to earn any meaningful wages in the same or other employment.
9. The claimant is therefore permanently and totally disabled as of March 26, 2001, the end of his healing period.
10. The claimant has proven by a preponderance of the evidence that he earned an average weekly wage of \$812.19 at the time of his accident.
11. The claimant is therefore entitled to the maximum compensation rates.
12. The claimant has proven by a preponderance of the evidence that he is entitled to payment of additional temporary total disability benefits to cover the respondent's underpayment of those benefits from October 11, 1999, through September 26, 2000.

13. 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 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 prior to July 1, 2001, the claimant's attorney's fee is governed by the provisions of Ark. Code Ann. § 11-9-715 as it existed prior to the amendments of 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 \$250.00 in accordance with Ark. Code Ann. § 11-9-715(b) (Repl. 1996).

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.