

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F400116

CARLOS JOHNSON,
EMPLOYEE

CLAIMANT

R.P. ELECTRIC,
EMPLOYER

RESPONDENT

STATE AUTOMOBILE MUTUAL INSURANCE CO.,
INSURANCE CARRIER

RESPONDENT

OPINION FILED MAY 12, 2005

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

Claimant represented by the HONORABLE MICHAEL STEVENS,
Attorney at Law, Texarkana, Texas.

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

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Respondents appeal an opinion and order of the
Administrative Law Judge filed January 10, 2005. In
said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. The stipulations agreed upon by the parties are reasonable and are approved.
2. The employer/employee/carrier relationship existed on May 20, 2003.
3. The Claimant was involved in a motor vehicle accident while he was a passenger in a vehicle owned and operated by Randy Pressnell, owner of

the respondent employer.

4. At the time of the accident the Claimant was earning \$8.00 per hour and \$320.00 per week.

5. The Respondents have controverted this claim in its entirety.

6. Claimant proved by a preponderance of the evidence that he sustained a compensable injury on May 20, 2003. Claimant was accompanying his employer en route to a work site, after having obtained work-related supplies, when the accident occurred. Claimant's injury was caused by a specific accident on May 20, 2003. Medical evidence in the record establishes that Claimant's injury caused physical harm to his body; objective findings in support of this medical evidence include a prescription for muscle spasms, an observation of muscle spasms, and a study indicating straightening of Claimant's lordotic curve. And finally, Claimant's testimony and the medical record both establish that he required medical services.

7. Claimant's failure to give notice by reporting his injury is excused, given the respondent employer's immediate knowledge of the accident in which Claimant's injuries were sustained.

8. Because the only issue raised by the parties in the Prehearing Order concerned the compensability of this claim, this opinion specifically reserves any determination concerning Claimant's entitlement to benefits, medical, disability, or otherwise.

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 January 10, 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.