

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F110578

FENTON MOMAN,
EMPLOYEE CLAIMANT

MCKEE FOODS CORPORATION,
EMPLOYER RESPONDENT

RISK MANAGEMENT RESOURCES,
INSURANCE CARRIER RESPONDENT

OPINION FILED APRIL 21, 2005

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

Claimant represented by the HONORABLE KENNETH OSBORNE,
Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE CURTIS NEBBEN,
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 April 8, 2004. In said
order, the Administrative Law Judge made the following
findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On July 30, 2001, the relationship of employee-employer-carrier existed between the parties.
3. The claimant sustained a compensable injury to his left shoulder on July 30, 2001.
4. Medical expenses have been paid.

5. The respondents have accepted an 8 percent impairment rating to the claimant's left shoulder.
6. The claimant is entitled to a weekly compensation rate of \$381.00 for temporary total disability and \$286.00 permanent partial disability.
7. The claimant has proven by a preponderance of the evidence that he is entitled to temporary total disability from August 2, 2003, to September 20, 2003, then from September 23, 2003 (sic), to October 17, 2003.
8. The claimant has also proven by a preponderance of the evidence that he is entitled to temporary partial disability from October 21, 2003, through January 13, 2004.
9. The respondents have controverted this claimant's entitlement to additional temporary total disability as well as temporary partial disability.
10. The claimant's attorney is entitled to the maximum statutory attorney's fee based on the benefits awarded herein.

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 April 8, 2004 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.