

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F210267

BRAD MAYNARD,
EMPLOYEE

CLAIMANT

GLENWOOD HOMES,
UNINSURED EMPLOYER

RESPONDENT

OPINION FILED JULY 13, 2005

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

Claimant represented by the HONORABLE PHILIP M. WILSON,
Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE C. BURT NEWELL,
Attorney at Law, Hot Springs, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Respondents appeal an opinion and order of
the Administrative Law Judge filed January 31, 2005. In
said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. The claimant was involved in an incident
on August 9, 2002.
2. The claimant has proven by a
preponderance of the evidence that the
claimant was an employee of the
respondent employer and the claimant's
injury is governed by the provisions of
the Arkansas Workers' Compensation Law.
3. The claimant has proven by a
preponderance of the evidence that he
sustained a compensable injury in the
course of and arising out of the
employment.

4. The respondents are liable for reasonable and necessary medical expenses.
5. The claimant has proven by a preponderance of the evidence that he has remained in his healing period and did not return to work from August 10, 2002 through April 3, 2003.
6. The claimant's average weekly wage should be based on an average of the money paid him on the three separate occasions. Ark. Code Ann. §11-9-518.
7. The claimant has proven by a preponderance of the evidence that he sustained a 10% permanent impairment rating to his right foot.
8. Respondents are ordered to pay the court reporting costs pursuant to Rule 20 of the Arkansas Workers' Compensation Rules and Regulations.

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 31, 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

KAREN H. MCKINNEY, Commissioner