

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F410043

CHRISTOPHER ROBERSON,
EMPLOYEE CLAIMANT

INTERSTATE HIGHWAY SIGN CORP.,
EMPLOYER RESPONDENT

TRANSCONTINENTAL INSURANCE CO.,
INSURANCE CARRIER RESPONDENT

OPINION FILED OCTOBER 31, 2005

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

Claimant represented by the HONORABLE GEORGE BAILEY,
Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE FRANK NEWELL,
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 June 24, 2005. In
said order, the Administrative Law Judge made the
following findings of fact and conclusions of law:

1. The Workers' Compensation
Commission has jurisdiction of
this claim in which the
relationship of employer-employee-
carrier existed among the parties
on September 7, 2004 at which time
the claimant's average weekly wage
was \$301.35.

2. The claimant has proven by a preponderance of the credible evidence of record that he sustained a compensable hernia as defined by Ark. Code Ann. §11-9-523.

3. Respondents are directed to pay all medical expenses within thirty days pursuant to Rule 30.

4. Respondents are directed to pay temporary total disability benefits to the claimant from September 8, 2004 to September 27, 2004 as the claimant remained in his healing period, unable to work.

5. This claim has been controverted and the claimant's counsel is entitled to the maximum attorney's fees to be paid in accordance with A.C.A. §11-9-715, §11-9-801, and WCC Rule 10.

Pursuant to the Full Commission decisions of Coleman v. Holiday Inn, (November 21, 1990) (D708577), and Chamness v. Superior Industries, (March 5, 1992) (E019760), the claimant's portion of the controverted attorney's fee is to be withheld from, and paid out of, indemnity benefits, and remitted by the respondent, directly to the claimant's attorney.

6. The respondents are directed to pay the court reporter's fees and expenses associated with transcribing this hearing within thirty days pursuant to Commission Rule 20.

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 June 24, 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

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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.