

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F310770

JIM TURNER,  
EMPLOYEE CLAIMANT

NABHOLZ INDUSTRIAL SERVICE,  
EMPLOYER RESPONDENT

RISK MANAGEMENT RESOURCES,  
INSURANCE CARRIER RESPONDENT

OPINION FILED JUNE 7, 2005

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

Claimant represented by the HONORABLE MARK FREEMAN,  
Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE CURTIS NEBBEN,  
Attorney at Law, Fayetteville, Arkansas.

Decision of Administrative Law Judge: Affirmed and  
Adopted.

## OPINION AND ORDER

Respondents appeal and claimant cross-appeals  
an opinion and order of the Administrative Law Judge  
filed June 23, 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 June 20, 2003, the relationship of employee-employer-carrier existed between the parties.
3. The claimant sustained (sic) is entitled to a weekly compensation rate of \$387.00 for temporary total disability and

- \$290.00 for permanent partial disability.
4. The claimant has proven by a preponderance of the evidence that he sustained a compensable gradual onset back injury while working for the respondent on June 20, 2003.
  5. The claimant failed to report a work related injury to the respondents until September 5, 2003.
  6. The respondents shall pay the cost of this claimant's medical treatment subsequent to September 5, 2003.
  7. The respondents shall pay temporary total disability to this claimant in the amount of \$387.00 per week from September 5, 2003, to January 5, 2004. Dr. Gallaher released the claimant from work on September 5, 2003, and did not release him to return to full duty work until January 5, 2004.
  8. The respondents have controverted this claim in its entirety.
  9. 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 June 23, 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.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.