

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F214299

GLENDA BROTHERTON,  
EMPLOYEE

CLAIMANT

WHITE RIVER AREA AGENCY ON AGING,  
EMPLOYER

RESPONDENT

AGING SERVICES FUND,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED FEBRUARY 28, 2006

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

Claimant represented by the HONORABLE RICK SPENCER, Attorney  
at Law, Mountain Home, Arkansas.

Respondents represented by the HONORABLE BETTY J. DEMORY,  
Attorney at Law, Little Rock, Arkansas.

OPINION AND ORDER

The Arkansas Court of Appeals has reversed and remanded  
the above-styled case to the Full Commission for an award of  
benefits. Glenda Brotherton v. White River Area Agency on  
Aging, CA 05-476 (December 14, 2005).

In an opinion filed on June 10, 2004, the  
administrative law judge found that the claimant has failed  
to establish by a preponderance of the evidence that her  
injury occurred while performing an employment service for  
White River Area Agency on Aging. The Full Commission  
affirmed and adopted the administrative law judge's order.  
The claimant appealed to the Arkansas Court of Appeals.

The Court of Appeals reversed the Commission's order and remanded the case for an award of benefits. In accordance with this mandate from the Court of Appeals, the Full Commission finds that the claimant has established by a preponderance of the credible evidence that her neck injury occurred while performing an employment service for White River Area Agency on Aging. The claimant proved by a preponderance of the evidence that all the medical treatment of record pertaining to her neck injury was reasonably necessary in connection with her compensable injury, pursuant to Ark. Code Ann. §11-9-508(a). The claimant also proved that she has remained within her healing period and totally incapacitated to earn wages beginning on the date of the compensable injury, and continuing thereafter, so as to entitle her to temporary total disability compensation from July 17, 2002, until a date yet to be determined. Therefore, we reverse the opinion of the administrative law judge.

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. 1996).

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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

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KAREN H. MCKINNEY, Commissioner