

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F308916

PHILLIP CLAIRDAY, EMPLOYEE	CLAIMANT
THE LILLY COMPANY, INC., EMPLOYER	RESPONDENT
ROYAL SUN ALLIANCE INSURANCE CO., INSURANCE CARRIER	RESPONDENT

OPINION FILED JULY 11, 2006

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

Claimant represented by the HONORABLE JOHN BARTTELT,  
Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE JEREMY  
SWEARINGEN, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and  
Adopted.

OPINION AND ORDER

This claim is presently before the Commission on  
remand from the Court of Appeals. Clairday v. The Lilly  
Co., CA05-96 opinion delivered April 19, 2006.

Respondents appeal an opinion and order of the  
Administrative Law Judge filed May 17, 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 April 30, 2002, the relationship of employee-employer-carrier existed among the parties.
3. On April 30, 2002, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$315.00/\$236.00 for temporary total/permanent partial disability benefits.
4. On April 30, 2002, the claimant sustained an injury arising out of and in the course of his employment.
5. In addition to prior periods, the claimant was temporarily totally disabled for the period beginning April 24, 2003 and continuing through the end of his healing period, a date yet to be determined.
6. Medical treatment rendered to the claimant under the care of Dr. Kenneth Eubanks to include authorized referrals therefore subsequent to December 4, 2003, is reasonably necessary and authorized relative to his compensable injury of April 30, 2002.
7. The respondents shall pay all reasonable hospital and medical expenses arising out of the injury of April 30, 2002.
8. The respondents have controverted the claimant's entitlement to temporary total disability benefits subsequent to April 23, 2003, and the payment of medical benefits subsequent to February 3, 2004.

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 May 17, 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

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KAREN H. MCKINNEY, Commissioner