

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F500703

WARREN A. EMERSON, EMPLOYEE	CLAIMANT
GERALD'S AUTOMOTIVE SERVICE, EMPLOYER	RESPONDENT NO. 1
GUARANTEE INSURANCE CO., INSURANCE CARRIER/TPA	RESPONDENT NO. 1
SECOND INJURY FUND	RESPONDENT NO. 2

OPINION FILED APRIL 24, 2006

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

Claimant represented by the HONORABLE PHILLIP WELLS,  
Attorney at Law, Jonesboro, Arkansas.

Respondents No. 1 represented by the HONORABLE PAUL M.  
GEHRING, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 did not appear at the hearing.

Decision of Administrative Law Judge: Affirmed and  
Adopted.

OPINION AND ORDER

Respondents No. 1 appeal an opinion and order of  
the Administrative Law Judge filed December 13, 2005.  
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 over this claim.
2. The stipulations agreed to by the parties are reasonable and are hereby accepted as fact.
3. The claimant has proven, by a preponderance of the evidence, that he sustained a compensable back injury arising out of and during the course of his employment with Gerald's Automotive Service as the result of a specific incident identifiable in time and place of occurrence on January 6, 2005, as established by medical evidence, supported by objective findings, entitling the claimant to appropriate workers' compensation benefits.
4. The claimant has been temporarily totally disabled beginning January 10, 2005, and continuing through the present and until such time that the claimant's healing period is determined to have ended.
5. The claimant's healing period has not ended as of the date of the within hearing.
6. Respondents are responsible for all hospital, medical, and related expenses as the result of claimant's January 6, 2005, injury, and respondents remain responsible for continued, reasonably necessary medical treatment, including, but not limited to, additional diagnostic testing to determine whether surgery is required to treat the claimant's compensable injury.
7. All additional issues, including claimant's entitlement to permanent disability benefits, are specifically reserved.

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 December 13, 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.

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OLAN W. REEVES, Chairman

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SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.