

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F503762

MICHAEL FREYALDENHOVEN,
EMPLOYEE

CLAIMANT

PERENNIAL HEALTHCARE,
EMPLOYER

RESPONDENT

AMERICAN HOME ASSURANCE CO.,
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 JOHN BARTTELT,
Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE MELISSA ROSS
CRINER, 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 October 4, 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 of this claim.
2. On March 21, 2005, the relationship of
employee-employer-carrier existed among the
parties.
3. On March 21, 2005, the claimant earned
wages sufficient to entitle him to weekly

compensation benefits of \$466.00/\$350.00, for temporary total/permanent partial disability.

4. On March 21, 2005, the claimant sustained an injury to his right shoulder arising out of and in the course of his employment, while performing employment services.

5. The claimant was temporarily totally disabled for the period beginning on or about April 22, 2005, and continuing through the end of his healing period.

6. The respondent shall pay all reasonable hospital and medical expenses arising out of the injury of March 21, 2005.

7. The respondents have controverted this claim in its entirety.

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 October 4, 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.

OLAN W. REEVES, Chairman

SHELBY W. TURNER, Commissioner

Commissioner McKinney dissents.