

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F501449

BENJERMAN GILBRETH, EMPLOYEE	CLAIMANT
WILLSTAFF CRYSTAL, EMPLOYER	RESPONDENT
AMERICAN HOME ASSURANCE COMPANY, INSURANCE CARRIER/TPA	RESPONDENT

**OPINION FILED AUGUST 21, 2006**

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

Claimant represented by the HONORABLE EVELYN BROOKS,  
Attorney at Law, Fayetteville, Arkansas.

Respondent represented by the HONORABLE MELISSA ROSS,  
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

Claimant appeals from a decision of the  
Administrative Law Judge filed April 19, 2006.

The Administrative Law Judge entered the following  
findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On December 3, 2004, the relationship of employee-employer-carrier existed between the parties.

3. On December 3, 2004, claimant earned wages sufficient to entitle him to weekly compensation benefits of \$213.00 for total disability and \$160.00 for permanent partial disability.
4. On December 3, 2004, the claimant sustained a compensable injury to his right second finger.
5. There is no dispute, at the present time, over the claimant's entitlement to the payment of medical expenses or temporary disability benefits and all such appropriate benefits have or will be paid.
6. The respondents have accepted liability for and have paid permanent partial disability benefits equivalent to a 10% permanent physical impairment to the middle or second finger.
7. The claimant's compensable injury of December 3, 2004, resulted in the amputation of 20% of the distal phalange of his right second finger.
8. Under Ark. Code Ann. §11-9-521 and Rule 099.12 of this Commission, the claimant would be entitled to permanent partial disability benefits attributable to a 25% permanent physical impairment or loss by amputation of the second finger of his right hand (9.25 weeks).
9. The respondents have controverted the claimant's entitlement to any permanent partial disability

benefits in excess of that attributable to a 10% permanent physical impairment of the second or middle finger.

10. A reasonable fee for the claimant's attorney is the maximum statutory attorney's fee on the controverted permanent partial disability benefits herein awarded.

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 of fact made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

---

OLAN W. REEVES, Chairman

---

KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.

Gilbreth - F501449

-4-

Commissioner Turner dissents.