

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F412400

BILLY J. LEACH,
EMPLOYEE

CLAIMANT

ENTERPRISE PRODUCTS COMPANY,
EMPLOYER

RESPONDENT

ESIS,
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED JANUARY 13, 2006

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

Claimant represented by the HONORABLE JOE M. ROGERS,
Attorney at Law, West Memphis, Arkansas.

Respondents represented by the HONORABLE CAROL LOCKARD
WORLEY, 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 August 24, 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 hereby accepted as fact.
3. The claimant has proven, by a

preponderance of the evidence, that he sustained a compensable injury in the form of an aggravation of a pre-existing condition which arose out of and during the course of his employment with Enterprise Products Company as the result of a specific incident identifiable in time and place of occurrence on June 17, 2003.

4. Respondents are responsible for all medical and related treatment as the result of claimant's June 17, 2003, injury, and remain responsible for continued, reasonably necessary medical treatment.

5. The claimant is entitled to temporary total disability benefits for the period beginning July 2, 2003, and continuing through July 22, 2003, and, again, for the period beginning November 9, 2004, and continuing through April 1, 2005, at which time his healing period ended.

6. Respondents are entitled to an offset or credit equal to, dollar-for-dollar, the amount of benefits the claimant has previously received in medical services and/or disability benefits pursuant to A.C.A. § 11-9-411. Respondents are responsible for reimbursing the appropriate health insurance and disability providers for any benefits they have paid since the within claim has been determined to be compensable. The provisions of Ark. Code Ann. § 11-9-411 are constitutional. *Dooley vs. Automated Conveyor Systems, Inc.*, 83 Ark. App. 411, 143 S.W.3d 585 (2004).

7. Issues not addressed herein 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 August 24, 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.