

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F410538

JOE PEER,
EMPLOYEE

CLAIMANT

GERBER PRODUCTS COMPANY,
EMPLOYER

RESPONDENT

TRAVELERS INDEMNITY CO.,
INSURANCE CARRIER

RESPONDENT

OPINION FILED JANUARY 10, 2006

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

Claimant represented by the HONORABLE MICHAEL HAMBY,
Attorney at Law, Greenwood, Arkansas.

Respondents represented by the HONORABLE JAMES ARNOLD
II, Attorney at Law, Fort Smith, 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 11, 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 September 30, 2004, the relationship
of employee-employer-carrier existed between
the parties.
3. The claimant sustained an injury at work

on September 30, 2004.

4. The claimant is entitled to a weekly compensation rate of \$231.00 for temporary total disability and \$174.00 for permanent partial disability.

5. The claimant has proven by a preponderance of the evidence that he sustained a compensable injury to his neck and two knees while working for the respondent on September 30, 2004.

6. The respondents should pay for all reasonable and necessary medical treatment for the claimant's compensable injuries.

7. The claimant has failed to prove by a preponderance of the evidence that he is entitled to temporary total disability from the date of his injury to December 8, 2004.

8. The claimant has proven by a preponderance of the evidence that he is entitled to a whole body impairment rating of 7 percent as assessed by Dr. Standefer in accordance with A.M.A. Guides, Fourth Edition.

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

10. The claimant's attorney is entitled to the maximum statutory attorney's fee based on the benefits awarded herein.

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 11, 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.