

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F110283

STEVE SHEPARD, EMPLOYEE	CLAIMANT
UNDERGROUND UTILITIES CONTRACTORS, INC., EMPLOYER	RESPONDENT NO. 1
COMMERCE & INDUSTRY INSURANCE CO., INSURANCE CARRIER	RESPONDENT NO. 1
DEATH AND PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

OPINION FILED JULY 19, 2006

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

Claimant represented by the HONORABLE SCOTT WILLHITE, Attorney at Law, Jonesboro, Arkansas.

Respondent No. 1 represented by the HONORABLE FRANK B. NEWELL, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE JUDY RUDD, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

## OPINION AND ORDER

Respondent No. 1 appeals an opinion and order of the Administrative Law Judge filed January 3, 2006.

In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. There was a compensable September 7, 2001, injury.

2. The compensation rates are \$410/308.
3. The end of the healing period is September 3, 2004.
4. Respondent No. 1 has accepted a 25% permanent impairment rating to the right knee.
5. Respondent No. 1 accepted a 60% body as a whole rating.
6. The claimant has proven by a preponderance of the evidence that he is entitled to permanent and total disability benefits.
7. Respondent No. 1 is entitled to credit toward the \$75,000 maximum liability for permanent disability benefits paid for the anatomical rating.
8. Claimant's attorney is entitled to the maximum attorney's fee allowed by Ark. Code Ann. §11-9-715 and is entitled to a controverted attorney's fee on the 60% body as a whole anatomical rating.

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 January 3, 2006, 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.