

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F501006

MARGARET WILLARD,  
EMPLOYEE

CLAIMANT

CENTOCO MANUFACTURING CORP.,  
EMPLOYER

RESPONDENT

TRANSPORTATION INSURANCE CO.,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED JUNE 7, 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 FRANK B.  
NEWELL, 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 November 30, 2005.  
In said order, the Administrative Law Judge made the  
following findings of fact and conclusions of law:

1. The Workers' Compensation Commission  
has jurisdiction of this claim in which  
the relationship of employer-employee-  
carrier existed among the parties  
during November, 2003 at which time the  
claimant was earning sufficient wages

to be entitled to a compensation rate of \$276.00/\$207.00.

2. The claimant has proven by a preponderance of the evidence of record that she injured her left shoulder as a compensable consequence of a May 28, 2003 right shoulder injury.
3. The respondents received notice of this injury as of October 31, 2003.
4. The respondents are liable for all reasonable and necessary medical expenses for her left shoulder injury to be paid within thirty days pursuant to Rule 30.
5. This claim has been controverted and the claimant's counsel is entitled to the maximum attorney's fees to be paid in accordance with A.C.A. §11-9-715, §11-9-801, and WCC Rule 10.

Pursuant to the Full Commission decisions of Coleman v. Holiday Inn, (November 21, 1990) (D708577), and Chamness v. Superior Industries, (March 5, 1992) (E019760), the claimant's portion of the controverted attorney's fee is to be withheld from, and paid out of, indemnity benefits, and remitted by the respondent, directly to the claimant's attorney.

As a reminder, Ark. Code Ann. §11-9-715 was amended by Act 1281 of 2001, limiting attorney's fees on medical benefits and services for injuries after July 1, 2001.

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 November 30, 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

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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.