

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F305411

KENNETH L. BOONE, JR, EMPLOYEE	CLAIMANT
ARKADELPHIA SHEET METAL, EMPLOYER	RESPONDENT
STATE FARM FIRE & CASUALTY COMPANY, INSURANCE CARRIER	RESPONDENT

OPINION FILED AUGUST 17, 2007

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

Claimant represented by the HONORABLE GREGORY R. GILES, Attorney at Law, Texarkana, 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 February 16, 2006. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. There was a compensable May 15, 2003, injury.
2. The compensation rate is \$151.
3. The claimant has proven by a preponderance of the evidence that the additional medical treatment he has pursued after May 19, 2004, was reasonable

and necessary and remains the responsibility of respondents.

4. The claimant has proven by a preponderance of the evidence that he has sustained a 7% anatomical impairment rating.

5. The claimant has proven by a preponderance of the evidence that he has sustained a 25% diminished wage earning capacity in addition to the anatomical rating.

6. The claimant's attorney is entitled to maximum statutory attorney's fees on benefits awarded pursuant to Ark. Code Ann. §11-9-715 and Arkansas Workers' Compensation Rules and Regulations, Rule 10.

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 February 16, 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.

OLAN W. REEVES, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.