

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F602315

BURRELL B. DIXON,  
EMPLOYEE

CLAIMANT

ROWBOTHAM CONSTRUCTION, LLC,  
GENE ROWBOTHAM CONSTRUCTION, INC.,  
AND GENE ROWBOTHAM, UNINSURED EMPLOYER

RESPONDENT

OPINION FILED SEPTEMBER 25, 2007

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

Claimant represented by the HONORABLE JEFFREY H. WATSON,  
Attorney at Law, Springdale, Arkansas.

Respondents represented by the HONORABLE JASON L.  
WATSON, Attorney at Law, Fayetteville, Arkansas.

Decision of Administrative Law Judge: Affirmed and  
Adopted.

## OPINION AND ORDER

Respondents appeal an opinion and order of  
the Administrative Law Judge filed April 13, 2007. 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 the parties and subject matter of this claim.
2. Pursuant to the stipulations of the parties and the record, the potential parties respondent are Rowbotham Construction, LLC, Gene Rowbotham Construction, Inc., and Gene Rowbotham;

the respondents have controverted this claim in its entirety; and the claimant's temporary total disability rate for purposes of this claim is \$373.00 per week.

3. The preponderance of the evidence shows that the claimant was jointly employed by the parties respondent and was also the employee of an uninsured subcontractor, so that he is entitled to recover jointly and severally from the respondents.
4. On or about December 19, 2005, the claimant suffered compensable injuries, arising out of and in the course of this employment.
5. As a result of his compensable injuries, the claimant was incapacitated to earn wages and within his healing period from the date of injury until he returned to the workforce June 23, 2006, a period of 26 weeks, 3 days, for which he is entitled to recover from the respondents, jointly and severally, temporary total disability benefits in the amount of \$9,857.86.
6. The claimant's medical care was reasonable and necessary in connection with his compensable injuries, so that he is entitled to recover jointly and severally from the respondents medical and related expenses, subject to the limitations of Rule 099.30.
7. The respondents have controverted the payment of benefits hereinafter awarded and the claimant's attorney is entitled to the maximum statutory attorney's fee thereon, payable one-half by the claimant and one-half by the respondents.

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 April 13, 2007, 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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KAREN H. MCKINNEY, Commissioner

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PHILIP A. HOOD, Commissioner