

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F510979

LISA M. EALEY, EMPLOYEE	CLAIMANT
WAL-MART ASSOCIATES, INC., SELF-INSURED EMPLOYER	RESPONDENT
CLAIMS MANAGEMENT, INC., INSURANCE CARRIER/TPA	RESPONDENT

OPINION FILED MARCH 20, 2007

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

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

Respondents represented by the HONORABLE DALE W. BROWN, 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 July 11, 2006. 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 October 6, 2005, the relationship of employee-employer existed between the parties.

3. On October 6, 2005, the claimant earned wages sufficient to entitle her to weekly compensation benefits of \$219.00/\$164.00, for temporary total/permanent partial disability.
4. On October 6, 2005, the claimant sustained an injury to her right shoulder arising out of and in the course of her employment with respondent which caused internal or external harm to the body requiring medical services and resulting in disability, with medical evidence supported by objective findings, as defined in Ark. Code Ann. §11-9-102(16), establishing the injury, which was caused by a specific incident and identifiable by time and place of occurrence, pursuant to Ark. Code Ann. §11-9-102(4) (A) (i).
5. The claimant was temporarily partially disabled for the period January 5, 2006, through March 19, 2006, during which time she worked the telephone operator job at a reduced hourly rate, due to restrictions growing out of her October 6, 2005, compensable injury.
6. The claimant was temporarily totally disabled for the periods beginning November 9, 2005, through January 4, 2006, and March 20, 2006, through the end of her healing period or until such time as she is released to return to appropriate work within her medical and physical restrictions growing out of her October 6, 2005, compensable right shoulder injury.
7. The respondents shall pay all reasonable hospital and medical expenses arising out of the claimant's October 6, 2005, compensable right shoulder injury.
8. The respondent has controverted this claim in its entirety.

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 July 11, 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.