

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F408285

MICHAEL J. McFADDEN, EMPLOYEE	CLAIMANT
STAFFMARK INVESTMENTS, EMPLOYER	RESPONDENT NO. 1
AMERICAN HOME ASSURANCE CO., INSURANCE CARRIER	RESPONDENT NO. 1
DAYSTAR DINNER AND GROCERY EMPLOYER	RESPONDENT NO. 2
CHARTER OAK FIRE INSURANCE CO.,	RESPONDENT NO. 2

OPINION FILED AUGUST 17, 2007

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

Claimant represented by the HONORABLE JAMES A. McLARTY,
III, Attorney at Law, Newport, Arkansas.

Respondents No. 1 represented by the HONORABLE JARROD S.
PARRISH, Attorney at Law, Little Rock, Arkansas.

Respondents No. 2 represented by the HONORABLE PHILLIP
CUFFMAN, 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 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 this claim.
2. On May 25, 2004, the relationship of employee-employer-carrier existed among the claimant and respondents #1, at which time the claimant sustained a injury to his low arising out of and in the course of his employment.
3. On May 25, 2004, the claimant earned wages sufficient to entitle him to workers' compensation benefits of \$227.00/\$170, for temporary total/permanent partial disability.
4. On July 12, 2006, the relationship of employee-employer-carrier existed among the claimant and respondents #2, during which time the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$103.00, for temporary total/permanent partial disability.
5. On July 12, 2006, the claimant suffered a recurrence of the May 25, 2004, compensable low back injury, which rendered him temporarily totally disabled commencing July 13, 2006, and continuing through the end of his healing period, a date to be determined, and for which respondents #1 are liable.
6. Respondents #1 shall pay all reasonable hospital and medical expenses arising out of the July 12, 2006, recurrence of the May 25, 2004, compensable injury.
7. Respondents #1 have controverted the payment of all workers' compensation benefits growing out of the July 12, 2006, recurrence of the claimant's compensable may 25, 2004, injury, to include medical and indemnity benefits.

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.

OLAN W. REEVES, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.