

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F508738

ROBERT NEWBY, EMPLOYEE	CLAIMANT
ASSOCIATED BUILDING & DEVELOPMENT, EMPLOYER	RESPONDENT
BITUMINOUS CASUALTY CORP., CARRIER	RESPONDENT

OPINION FILED SEPTEMBER 13, 2007

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

Claimant represented by HONORABLE EDDIE WALKER, JR., Attorney at Law, Fort Smith, Arkansas.

Respondent represented by HONORABLE BETTY J. HARDY, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The respondents appeal from a decision of the Administrative Law Judge filed March 30, 2007.

The Administrative Law Judge entered the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On all pertinent dates, the relationship of employee-employer-carrier existed between the parties.

3. The claimant sustained compensable injuries to both shoulders in July 2005.

4. The claimant is entitled to a weekly compensation rate of \$464.00 for temporary total disability and \$348.00 for permanent partial disability.

5. Medical expenses have been paid for the claimant's right shoulder injury.

6. Medical expenses have been paid to August 15, 2000, for the claimant's left shoulder.

7. The respondents accepted 12 percent impairment on the claimant's right shoulder and 7 percent on the claimant's left shoulder.

8. The respondents have paid for visits to Dr. Evans subsequent to August 15, 2006, those visits were on September 11, 2006, and October 24, 2006.

9. The claimant has proven by a preponderance of the evidence that he is entitled to additional medical treatment for his left shoulder.

10. The claimant has proven by a preponderance of the evidence that he is entitled to temporary total disability from August 16, 2006, to a date to be determined.

11. The respondents have controverted this claimant's entitlement to additional benefits.

12. The claimant's attorney is entitled to the maximum statutory attorney's fee based on the benefits awarded herein.

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 of fact made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and conclusions therein, 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). 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) (2) (Repl. 2002).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.