

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F606947

CYNTHIA PERRY,
EMPLOYEE

CLAIMANT

I H SERVICES, INC.,
EMPLOYER

RESPONDENT

LIBERTY MUTUAL FIRE INS. COMPANY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED DECEMBER 6, 2007

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

Claimant represented by the HONORABLE MICHAEL A.
LEBOEUF, Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE GUY ALTON WADE,
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 July 18, 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. The employee/employer/carrier relationship existed on or about June 12, 2006, when claimant sustained an injury to her right knee.
3. The claimant's average weekly wage was \$313.67, which would entitle her to a temporary total disability rate of \$209.00.

4. Respondents initially accepted the claimant's claim as compensable and paid temporary total disability benefits and medical benefits through on or about July 26, 2006, when the claimant was released by Dr. Charles Pearce.

5. Claimant was granted a change of physician on August 29, 2006, to Dr. Harold Chakales.

6. Respondents paid for the claimant's initial visit with Dr. Chakales as ordered by the Commission and that said visit was not controverted.

7. Claimant has proven by a preponderance of the evidence that her need for additional medical treatment from Dr. Chakales, including the surgery in December of 2006, is reasonable and necessary and causally related to her compensable work-related injury in June of 2006.

8. Claimant has proven by a preponderance of the evidence that she is entitled to continued temporary total disability benefits from date of injury until a date yet to be determined.

9. Respondents have controverted claimant's entitlement to additional medical benefits and additional temporary total disability benefits from July 26, 2006, to a date yet to be determined.

10. Claimant is entitled to a twenty-five (25%) percent statutory attorney's fee on the indemnity benefits awarded herein, one-half to be paid by the respondents and one-half to be withheld from the claimant's award of 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 July 18, 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.