

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F603875

JAMES PIPPEN, EMPLOYEE	CLAIMANT
EMERGENCY AMBULANCE SERVICE, INC., EMPLOYER	RESPONDENT
COMMERCE & INDUSTRY INSURANCE CO., C/O AIG CLAIM SERVICES, TAP	RESPONDENT

OPINION FILED SEPTEMBER 13, 2007

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

Claimant represented by HONORABLE KENNETH A. HARPER,
Attorney at Law, Monticello, Arkansas.

Respondent represented by HONORABLE CAROL L. WORLEY,
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 9, 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. The employer-employee-carrier relationship existed on March 28, 2006.

3. The claimant earned an average weekly wage of \$456.02, which would entitle him to a temporary total disability rate of \$304.00 per week and a permanent partial disability rate of \$228.00 per week.

4. The claimant was released to return to work on May 22, 2006 with no restrictions.

5. The claimant has proven by a preponderance of the evidence that he was engaged in employment services at the time of his injury.

6. The claimant has proven by a preponderance of the evidence that he suffered a compensable hernia injury under §11-9-523 and other applicable provisions of the Workers' Compensation Act.

7. Claimant had proven by a preponderance of the evidence that the medical treatment by Dr. Simon and Dr. Wilson, including the hernia surgery, was reasonable and necessary and related to his compensable work-related injury.

8. Claimant has proven by a preponderance of the evidence that he is entitled to temporary total disability benefits from the date he last worked, April 3, 2006, until the date he was released to return to work, May 22, 2006.

9. Claimant is entitled to the maximum attorney's fee on the disability 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 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).

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IT IS SO ORDERED.

OLAN W. REEVES, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.