

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. E609910

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| BRADLEY ALAN WHITE, EMPLOYEE | CLAIMANT |
| NABHOLZ CONSTRUCTION CORPORATION, EMPLOYER | RESPONDENT |
| ST. PAUL FIRE & MARINE INS. COMPANY, INSURANCE CARRIER | RESPONDENT |

OPINION FILED AUGUST 17, 2007

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

Claimant represented by the HONORABLE THOMAS W. MICKEL, Attorney at Law, Conway, 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 March 21, 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 the parties and subject matter of this claim.
2. Pursuant to the stipulations of the parties and the record, the employee-employer-insurance carrier relationship existed at all pertinent times; the claimant sustained compensable injuries July 24, 1996; his average weekly wage was \$296.67; his injuries resulted in anatomical impairment of 23%

to the body as a whole and 15% to his ankle; claimant's Form C was timely filed on or about June 10, 1998, within two years of the date of injury; respondents paid benefits for his impairment by lump sum distribution January 13, 1999; the respondents last paid medical benefits for medical services rendered June 11, 2002; no hearing was requested on behalf of the claimant until on or about August 31, 2006, when a letter from claimant's counsel was received by the Commission.

3. Because a claim for additional benefits was timely filed, the request for a Change of Physician is not barred by the statute of limitations.

4. The claimant is entitled to a one-time change of physician and an initial examination, pursuant to Ark. Code Ann. §11-9-514, pursuant to the direction of the Director of Medical Cost Containment.

5. For prevailing on the issue of Change of physician, claimant's counsel is entitled to the maximum statutory attorney's fee of \$200.00, pursuant to Ark. Code Ann. §11-9-715.

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 March 21, 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 prior to July 1, 2001, the claimant's attorney's fee is governed by the provisions of Ark. Code Ann. § 11-9-715 as it existed prior to the amendments of 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 \$250.00 in accordance with Ark. Code Ann. § 11-9-715(b) (Repl. 1996).

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.