

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F409551

MARCOS AMAYA, EMPLOYEE	CLAIMANT
NEWBERRY'S 3N MILLS, EMPLOYER	RESPONDENT
AIG CLAIMS SERVICE, CARRIER	RESPONDENT

**ORDER FILED MAY 16, 2008**

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

Claimant represented by HONORABLE EVELYN BROOKS, Attorney at Law, Fayetteville, Arkansas.

Respondent represented by HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is presently before the Full Commission on remand from the Arkansas Court of Appeals. In an opinion delivered on April 9, 2008, the Arkansas Court of Appeals affirmed in part, and reversed and remanded in part the decision of the Full Commission. The Court specifically found that the claimant's award of temporary partial disability benefits should not have been terminated on January 5, 2006, as found by the Full Commission. Accordingly, the Court of Appeals reversed the decision of the Full Commission and remanded this claim to the Full

Commission for an award of temporary partial disability benefits through March 21, 2006.

Therefore, we find that the claimant proved by a preponderance of the evidence that he remained within his healing period and partially incapacitated from earning wages through March 16, 2006, as found by the Administrative Law Judge in his opinion filed August 28, 2006. The respondents are hereby ordered to pay benefits accordingly.

All accrued benefits shall be paid in 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 A.C.A. § 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 A.C.A. § 11-9-715 as amended by Act 1281 of 2001. Compare A.C.A. § 11-9-715 (Repl. 1996) with A.C.A. § 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 A.C.A. § 11-9-715 (Repl. 2002).

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IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

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PHILIP A. HOOD, Commissioner