

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F504870

CHARLES BARNES, EMPLOYEE	CLAIMANT
GREENHEAD FARMING CO., INC., EMPLOYER	RESPONDENT
COMMERCE & INDUSTRY INS. CO., INSURANCE CARRIER	RESPONDENT

OPINION FILED MAY 28, 2008

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

Claimant represented by the HONORABLE JAMES A. MCLARTY, III, Attorney at Law, Newport, Arkansas.

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

Decision of Administrative Law Judge: Affirmed and Adopted.

## OPINION AND ORDER

This case comes before the Full Commission after reversal and remand from the Arkansas Court of Appeals ordering an award of compensability and benefits.

Respondents appeal an opinion and order of the Administrative Law Judge filed September 13, 2006. 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. On May 11, 2005, the relationship of employee-employer-carrier existed among the parties.

3. On May 11, 2005, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$305.00/\$229.00, for temporary total/permanent partial disability.

4. On May 11, 2005, the claimant sustained an injury to his back, as well as his left lower extremity, arising out of and in the course of his employment with respondents.

5. The attorney fee provision of the Arkansas Workers' Compensation Act, as codified in Ark. Code Ann. §11-9-715 (2)(B)(ii), is constitutional.

6. The medical treatment rendered to the claimant relative to his back, right hip, right leg/foot complaint under the care of Dr. Nicole Lawson, as well as referrals therefrom, to include the February 24, 2006, MRI scan, is reasonable and necessary medical treatment in connection to the claimant's compensable injury. Respondents controverted the compensability of the claimant's low back, right hip/leg/foot injury.

7. The respondent shall pay all reasonable hospital and medical expenses arising out of the claimant's low back injury which grew out of the May 11, 2005, compensable accident.

8. The respondents have controverted the claimant's entitlement to all workers' compensation benefits relative to his compensable low back injury growing out of the May 11, 2005, compensable accident.

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 September 13, 2006 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.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

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PHILIP A. HOOD, Commissioner