

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F610626/F505785

ROY E. GREEN, EMPLOYEE	CLAIMANT
ALLEN ENGINEERING CORP., EMPLOYER	RESPONDENT #1
CINCINNATI INSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT #1
FREMONT COMPENSATION/PROPERTY & GUARANTY FUND	RESPONDENT #2
SECOND INJURY FUND	RESPONDENT #3

OPINION FILED APRIL 22, 2008

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

Claimant represented by the HONORABLE JIM R. BURTON, Attorney at Law, Jonesboro, Arkansas.

Respondent #1 represented by the HONORABLE WILLIAM C. FRYE, Attorney at Law, North Little Rock, Arkansas.

Respondent #2 represented by the HONORABLE JEREMY SWEARINGEN, Attorney at Law, Little Rock, Arkansas.

Respondent #3 represented by the HONORABLE JUDY W. RUDD, 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 October 4, 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 these claims.
2. At all times pertinent, to include August 10, 2000, and September 1, 2006, the employment relationship existed, and the claimant earned wages sufficient to entitle him to workers' compensation benefits at the maximum applicable rates.
3. On August 10, 2000, respondent #2 provided workers' compensation insurance coverage for respondent-employer.
4. On August 10, 2000, the claimant sustained an injury to his low back which required medical treatment and resulted in a period of temporary total incapacitation. The claimant reached the end of his healing period relative to the August 10, 2000, compensable back injury on or about June 10, 2005, when he was assessed with a 29% permanent physical impairment to the body as a whole.
5. Respondent #2 shall pay all reasonable hospital and medical expenses arising out of the claimant's August 10, 2000, compensable back injury.
6. On September 1, 2006, respondent #1 provided workers' compensation insurance coverage for respondent-employer when the claimant sustained either a new injury or aggravation of his pre-existing condition arising out of and in the course of his employment.
7. The claimant was temporarily totally disabled for the period commencing September 30, 2006, and continuing

through the end of his healing period, a date to be determined.

8. Respondent #1 shall pay all reasonable hospital and medical expenses arising out of the claimant's injury of September 1, 2006.
9. Respondents #1 have controverted the claimant's September 1, 2006, compensable back injury in its entirety.

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 October 4, 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

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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.