

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F712047

JIMMY HOLT,
EMPLOYEE

CLAIMANT

GREAT PLAINS COCA COLA BOTTLING,
EMPLOYER

RESPONDENT

MIDWEST EMPLOYERS CASUALTY CO.,
INSURANCE CARRIER

RESPONDENT

OPINION FILED OCTOBER 22, 2008

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

Claimant represented by the HONORABLE JASON M. HATFIELD,
Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE WILLIAM C.
FRYE, Attorney at Law, North 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 May 30, 2008. In said
order, the Administrative Law Judge made the following
findings of fact and conclusions of law:

1. The stipulations agreed to by the parties at
the pre-hearing conference conducted on February
27, 2008, and contained in a pre-hearing order
filed February 29, 2008, are hereby accepted as
fact.
2. The parties' stipulation that claimant earned
an average weekly wage of \$378.00 which would
entitle him to compensation at the rate of \$257.00
for total disability benefits and \$189.00 for

permanent partial disability benefits is also hereby accepted as fact.

3. Claimant has met his burden of proving by a preponderance of the evidence that he is entitled to additional medical treatment for his compensable left knee injury. This includes, but is not limited to, medical treatment provided by Dr. Allard.

4. Claimant is entitled to temporary total disability benefits beginning October 30, 2007 through a date yet to be determined.

5. Respondent is liable for payment of all unpaid mileage which claimant has incurred as a result of his medical treatment.

6. Respondent has controverted claimant's entitlement to all unpaid indemnity 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 made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the May 30, 2008 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.

OLAN W. REEVES, Chairman

PHILIP A. HOOD, Commissioner

Commission McKinney dissents.