

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F507177 & F600041

BOBBY PRITCHETT, EMPLOYEE	CLAIMANT
HILL & HILL CONSTRUCTION CO., INC., EMPLOYER	RESPONDENT
COMMERCE & INDUSTRY INSURANCE CO., C/O AIG CLAIM SERVICES, TPA	RESPONDENT

**OPINION FILED JANUARY 16, 2008**

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

Claimant represented by HONORABLE MIKE J. ETOCH, JR., Attorney at Law, Helena, Arkansas.

Respondent represented by HONORABLE JARROD PARRISH, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

**OPINION AND ORDER**

The respondents appeal from a decision of the Administrative Law Judge filed September 12, 2007.

The Administrative Law Judge entered the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. The employer/employee/carrier relationship existed on April 22, 2005,

when claimant sustained a compensable left knee injury.

3. The claimant's earnings were sufficient to entitle him to a maximum compensation rate of \$450.00 for temporary total disability and \$338.00 for permanent partial disability benefits.

4. The claimant was involved in a work-related accident on April 22, 2005 and suffered compensable injuries to both his left and right knee.

5. The claimant was assigned a 22% permanent partial impairment rating for his left knee injury, which was accepted and paid by respondents.

6. The claimant has proven by a preponderance of the evidence that he is entitled to additional benefits associated with his right knee injury, specifically the recommended surgery by Dr. Barr.

7. The claimant has failed to prove by a preponderance of the evidence that he is entitled to additional temporary total disability benefits related to his left leg.

8. Claimant has proven by a preponderance of the evidence that his need for additional medical treatment from Dr. Barr, including the recommended surgery to the right knee, is reasonable and necessary and causally related to

his compensable work-related injury in April of 2005.

9. Respondents have controverted claimant's entitlement to compensability and additional medical benefits and additional temporary total disability benefits to a date yet to be determined.

10. Claimant is entitled to a twenty-five percent (25%) statutory attorney's fee on the indemnity benefits awarded herein, one-half to be paid by the respondents and one-half to be withheld from the claimant's award of 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 of fact made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

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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). 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) (2) (Repl. 2002).

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.