

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F612190 & F600901

GEORGIA BIXLER, EMPLOYEE	CLAIMANT
O'REILLY AUTOMOTIVE, INC., EMPLOYER	RESPONDENT
INDEMNITY INSURANCE CO. OF NORTH AMERICA, INSURANCE CARRIER	RESPONDENT

OPINION FILED JUNE 25, 2009

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

Claimant represented by the HONORABLE FREDERICK S. "RICK" SPENCER, Attorney at Law, Mountain Home, Arkansas.

Respondents represented by the HONORABLE CURTIS L. NEBBEN, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals and respondents cross-appeal an opinion and order of the Administrative Law Judge filed December 29, 2008. 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 over this claim.

2. The stipulations set forth above are reasonable and are hereby accepted.
3. Claimant has not proven by a preponderance of the evidence that she sustained a compensable injury to her neck on December 8, 2005.
4. Claimant has proven by a preponderance of the evidence that she sustained a compensable injury to her back on December 8, 2005.
5. Claimant has not proven by a preponderance of the evidence that she sustained compensable injuries on April 4, 2006.
6. Because of the above findings, the issue of whether Claimant is entitled to reasonable and necessary medical treatment of her neck and chest is moot and will not be addressed.
7. Claimant has proven by a preponderance of the evidence that the care she has been rendered for her compensable back injury was reasonable and necessary.
8. Claimant has not proven by a preponderance of the evidence that she is entitled to either additional chiropractic care or a referral to treatment by Dr. Rebecca Barrett-Tuck, a neurosurgeon.

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 December 29, 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).

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IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner