

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F707535

MARTHA FINCH, EMPLOYEE	CLAIMANT
SPRINGHILL SURGERY CENTER, EMPLOYER	RESPONDENT
TRAVELER'S CASUALTY & SURETY CO., CARRIER	RESPONDENT

OPINION FILED JUNE 8, 2009

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

Claimant represented by HONORABLE J. MARK WHITE, Attorney at Law, Bryant, Arkansas.

Respondent represented by HONORABLE PHILLIP CUFFMAN, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

This claim is presently before the Commission on remand from the Court of Appeals. In a decision delivered May 5, 2009, the Court of Appeals reversed the decision of the Full Commission and remanded for an award of benefits. Accordingly, we hereby affirm and adopt the decision of the Administrative Law Judge filed April 28, 2008.

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 at all relevant times, including April 3, 2007.
3. Claimant has proven by a preponderance of the evidence that she was performing employment services at the time of her alleged incident.
4. Claimant has proven by a preponderance of the evidence that she sustained a compensable injury as defined by the Arkansas Workers' Compensation Act.
5. The claimant is entitled to the maximum compensation rates, i.e. \$504.00 for TTD; \$378.00 for PPD.
6. The claimant was paid disability benefits from July 3, 2007, through September 2, 2007, in the amount of \$3,320.53. The claimant was paid disability benefits from September 3, 2007, until October 2, 2007, in the amount of \$1,660.27. Respondents are entitled to an offset pursuant to A.C.A §11-9-411 for any disability payments received by claimant.
7. The claimant is entitled to payment of all reasonable and necessary medical benefits in connection with her left shoulder compensable injury.

8. The claimant is entitled to temporary indemnity benefits from April 3, 2007, until October 31, 2007.

9. 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.

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.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner