

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F702212

DEBBIE MOORE,
EMPLOYEE

CLAIMANT

NETTLETON SCHOOL DISTRICT,
EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES,
INSURANCE CARRIER

RESPONDENT

OPINION FILED APRIL 17, 2009

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

Claimant represented by the HONORABLE SCOTT HUNTER,
Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE JARROD PARRISH,
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 December 30, 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 of this claim.
2. On February 20, 2007, the relationship of employee-employer existed between the parties, when the claimant sustained compensable injuries to the low back and right shoulder, while earning wages sufficient to entitle her to weekly compensation benefits at the rate of \$237.00/\$178.00, for temporary total/permanent partial disability.

3. Medical treatment rendered to the claimant under the care of Dr. Brian G. Dickson, to include the February 20, 2008, rotator cuff repair surgery, was reasonably necessary in connection with the claimant's February 20, 2007, compensable injury, as well as authorized and related to same.

4. The claimant's healing period ended on June 11, 2008, and resulted in a permanent physical impairment in the amount of 8% to the body as a whole.

5. The respondent shall pay all reasonable hospital and medical expenses arising out of the claimant's injury of February 20, 2007.

6. The respondent has controverted the claimant's entitlement to workers' compensation benefits subsequent to June 25, 2007, to include medical, and the claimant's entitlement to permanent physical impairment in excess of 3% to the whole person.

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 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.

A. WATSON BELL, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.