

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F705480

GRETCHEN SMALLWOOD, EMPLOYEE	CLAIMANT
DEPARTMENT OF HUMAN SERVICES, EMPLOYER	RESPONDENT
PUBLIC EMPLOYEE CLAIMS DIVISION, INSURANCE CARRIER	RESPONDENT

OPINION FILED SEPTEMBER 11, 2009

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

Claimant represented by the HONORABLE EDDIE WALKER, JR., Attorney at Law, Fort Smith, Arkansas.

Respondents represented by the HONORABLE RICHARD SMITH, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the Administrative Law Judge filed April 9, 2009. 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 May 9, 2007, the relationship of employee-self employee-third party administrator carrier existed between the parties.
3. On May 9, 2007, the claimant earned wages sufficient to entitle her to weekly compensation benefits of \$327.00 of total

disability and \$245.00 for permanent partial disability.

4. On May 9, 2007, the claimant sustained compensable injuries to her head and neck.
5. There is no dispute, at the present time, over the claimant's entitlement to medical services.
6. There is no dispute over the payment of temporary total disability benefits accruing through October 11, 2007.
7. The claimant has failed to prove by the greater weight of the credible evidence that she continued to be rendered temporarily totally disabled by her compensable injuries, on or after October 12, 2007, she continued within her healing period from the effects of her compensable injuries and that she continued to be rendered totally disabled from performing regular gain employment by these injuries.
8. The respondents have controverted the claimant's entitlement to temporary total disability benefit accruing on and after October 12, 2007.
9. As no controverted indemnity benefits have been awarded to the claimant, no controverted attorney's fee can be awarded to her attorney.

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.

Therefore we affirm and adopt the April 9, 2009 decision of the Administrative Law Judge, including all findings and conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. McKINNEY, Commissioner

Commissioner Hood dissents.