

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NOS. F706620 & F801890

JAMES SYBERT, EMPLOYEE	CLAIMANT
CARROLL COUNTY SOLID WASTE AUTHORITY, EMPLOYER	RESPONDENT NO. 1
AIG CLAIM SERVICES, INC. CARRIER	RESPONDENT NO. 1
MUNICIPAL LEAGUE WCT, CARRIER	RESPONDENT NO. 2

OPINION FILED AUGUST 18, 2009

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

Claimant represented by HONORABLE ANDREW HATFIELD, Attorney at Law, Rogers, Arkansas.

Respondent No. 1 represented by HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE J. CHRIS BRADLEY, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondents No. 1 appeals from a decision of the Administrative Law Judge filed April 15, 2009.

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. Claimant suffered a compensable injury to his low back on May 23, 2007 when respondent no. 1 was the

workers' compensation carrier. The parties' stipulation that claimant earned an average weekly wage at the time of that injury of \$493.31 which would entitle him to compensation at the rate of \$329.00 for total disability benefits and \$247.00 for permanent partial disability benefits is hereby accepted as fact.

3. The claimant suffered a compensable injury to his mid-back on January 28, 2008 when respondent #2 was the workers' compensation carrier. The parties' stipulation that claimant earned an average weekly wage at the time of that injury in the amount of \$484.40 is hereby accepted as fact.
4. Claimant has met his burden of proving by a preponderance of the evidence that he is entitled to additional medical treatment for his compensable low back injury which occurred while respondent no. 1 was the compensation carrier.
5. Claimant has failed to prove by a preponderance of the evidence that he is entitled to additional medical treatment for the compensable mid back injury which occurred while respondent no. 2 was the compensation carrier.
6. Claimant has failed to prove by a preponderance of the evidence that he is entitled to additional temporary total disability 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.

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 (Repl. 2002).

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.

IT IS SO ORDERED.

A. WATSON BELL, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.