

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F612045

TERRY WITT, EMPLOYEE	CLAIMANT
ALLEN & SON, INC., EMPLOYER	RESPONDENT NO. 1
FIRSTCOMP INSURANCE, INC., CARRIER	RESPONDENT NO. 1
PERMANENT & TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

ORDER FILED OCTOBER 15, 2009

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

Claimant represented by HONORABLE NOYL HOUSTON, Attorney at Law, Jonesboro, Arkansas.

Respondent represented by HONORABLE WILLIAM C. FRYE, Attorney at Law, North Little Rock, Arkansas.

Respondent No. 2 represented by HONORABLE JUDY RUDD, Attorney at Law, Little Rock, Arkansas.

ORDER

This matter is currently before the Full Commission on remand from the Arkansas Court of Appeals. In an opinion delivered September 2, 2009, the Arkansas Court of Appeals reversed and remanded the decision of the Full Commission for an award of benefits. Pursuant to this remand, the Full Commission hereby affirms and adopts the November 20, 2007 opinion and order of the Administrative Law Judge in its entirety.

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In said order. The Administrative Law Judge made the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation has jurisdiction of this claim.
2. On October 3, 2006, the relationship of employee-employer-carrier existed among the parties.
3. On October 3, 2006, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$252.00/\$190.00, for temporary total/permanent partial disability.
4. On October 3, 2006, the claimant sustained injuries to his cervical spine, lumbar spine, and other areas in a motor vehicle accident which arose out of and in the course of his employment at a time that he was providing employment services to his employer, respondent # 1.
5. The claimant was temporarily totally disabled for the period beginning October 4, 2006, and continuing through the end of his healing

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period, a date to be determined, as a result of the compensable October 3, 2006, accident.

6. Respondents #1 shall pay all reasonably necessary medical, hospital and medical expenses growing out of and in connection with the claimants injuries of October 3, 2006.

7. Respondents #1 have controverted this claim in its entirety.

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 November 20, 2007, 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 remand from the Arkansas Court of Appeals.

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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 (Repl. 2002). For prevailing on this appeal before the Full Commission, the 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

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner