

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F803182

DEBORAH ZIEMKE,  
EMPLOYEE

CLAIMANT

AREA AGENCY ON AGING WESTERN ARK,  
EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES,  
INSURANCE CARRIER

RESPONDENT

OPINION FILED MARCH 18, 2009

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

Claimant represented by the HONORABLE STEPHEN M. SHARUM,  
Attorney at Law, Fort Smith, Arkansas.

Respondents represented by the HONORABLE CAROL LOCKARD  
WORLEY, 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 November 19, 2008. In  
said order, the Administrative Law Judge made the  
following findings of fact and conclusions of law:

1. The stipulations agreed to by the parties at  
the pre-hearing conference conducted on July 2,  
2008, and contained in a pre-hearing order filed  
July 7, 2008, are hereby accepted as fact.
2. The respondents failed to prove the Shipper's  
defense.
3. The claimant has proven by a preponderance of  
the evidence that she sustained a compensable

injury to her right shoulder and cervical spine on March 27, 2008, while employed by the respondent.

4. The claimant is entitled to additional reasonable and related medical treatment for her compensable right shoulder and cervical spine injuries.

5. The claimant is entitled to reimbursement for medical expenses already paid by the claimant that are reasonably related to the compensable right shoulder and cervical spine injuries.

6. The claimant is entitled to temporary total disability from March 28, 2008, until a date yet to be determined at the rate of \$225 per week.

7. The claimant's attorney is entitled to an attorney's fee in this matter as set out by the Arkansas Workers' Compensation Act.

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 19, 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.

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A. WATSON BELL, Chairman

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PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.