

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F903006

BRYAN D. BALLENTINE, EMPLOYEE CLAIMANT

HOT SPRINGS ROOFING, UNINSURED EMPLOYER RESPONDENT

OPINION FILED MAY 19, 2010

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

Claimant represented by the HONORABLE CHARLES PADGHAM, Attorney at Law, Hot Springs, Arkansas.

Respondents represented by the HONORABLE BRIAN McNAMARA, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The respondents appeal from a decision of the Administrative Law Judge filed February 2, 2010.

The Administrative Law Judge entered the following findings of fact and conclusions of law:

1. There was an employer-employee relationship on February 16, 2009.
2. The compensation rate is \$260.
3. The claimant has proven by a preponderance of the evidence that he sustained a compensable injury arising out of his employment on February 16, 2009.

4. The a preponderance of the evidence did not reveal the "presence" of drugs or alcohol in the claimant's body and the statutory presumption established in Act 796 of 1993 did not arise.

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 he 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.