

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. F807062

PAULINE BARRETT, EMPLOYEE	CLAIMANT
C.L. SWANSON CORPORATION, EMPLOYER	RESPONDENT
CINCINNATI INSURANCE COMPANY, CARRIER	RESPONDENT

OPINION FILED FEBRUARY 26, 2010

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

Claimant represented by the HONORABLE JASON M. HATFIELD, Attorney at Law, Fayetteville, Arkansas.

Respondent represented by the HONORABLE WILLIAM ROBERT STILL, JR., Attorney at Law, Fayetteville, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

ORDER

This matter is currently before the Full Commission on remand from the Arkansas Court of Appeals. In an opinion delivered January 27, 2010, 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 December 1, 2008 opinion and order of the Administrative Law Judge in its entirety.

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 September 24, 2008, and contained in a pre-hearing order filed September 25, 2008, are hereby accepted as fact.
2. claimant has met her burden of proving by a preponderance of the evidence that she suffered a compensable injury to her left arm while employed by the respondent on July 11, 2008.
3. Respondent is liable for payment of all reasonable and necessary medical treatment provided in connection with the claimant's compensable injury.
4. The claimant is entitled to temporary total disability benefits beginning July 12, 2008 and continuing through October 7, 2008. The claimant is entitled to temporary partial disability benefits beginning October 8, 2008 and continuing through a date yet to be determined.
5. The Respondent has controverted the claimant's entitlement to all indemnity 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 made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

Thus, we affirm the December 1, 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 remand from the Arkansas Court of Appeals

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, 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).

Barrett - F807062

-4-

IT IS SO ORDERED.

A. WATSON BELL, Chairman

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner