

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. F903021

FRED BOLING, EMPLOYEE	CLAIMANT
ADVANCE AUTO PARTS, INC., EMPLOYER	RESPONDENT
SEDGWICK CMSI, CARRIER	RESPONDENT

OPINION FILED JANUARY 13, 2010

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

Claimant represented by HONORABLE, PHILLIP WELLS, Attorney at Law, Jonesboro, Arkansas.

Respondents represented by HONORABLE LEE J. MULDROW, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondent appeals from a decision of the Administrative Law Judge filed September 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. The stipulations agreed to by the parties are hereby accepted as fact.
3. The claimant has proven, by a preponderance of the evidence, that he sustained a

compensable injury to his right shoulder which arose out of and during the course of his employment with Advance Auto Parts, Inc., as the result of a specific incident identifiable in time and place of occurrence when he tripped and fell on February 8, 2009.

4. The claimant is entitled to temporary total disability benefits for the period beginning February 9, 2009, and continuing through a date yet to be determined. The claimant's healing period had not ended as of the date of the hearing.
5. Respondents are responsible for payment of all medical and related treatment, and respondents remain responsible for continued, reasonably necessary medical treatment to be paid in accordance with Commission Rule 099.30.
6. Respondents are entitled to a credit or offset for medical benefits that have been aid, in part, by group health insurance pursuant to Ark. Code Ann. §11-9-411.
7. All additional issues are, by necessity, specifically, reserved.

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.

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.

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).

IT IS SO ORDERED.

A. WATSON BELL, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.