

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. F907914

DONNIE HINTON, EMPLOYEE	CLAIMANT
TURNER HOLDINGS, LLC, EMPLOYER	RESPONDENT
FIDELITY & GUARANTEE INS. CO., CARRIER/TPA	RESPONDENT

OPINION FILED JUNE 30, 2010

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

Claimant represented by the HONORABLE ANDY L. CALDWELL,
Attorney at Law, Little Rock, Arkansas.

Respondents represented by the HONORABLE MICHAEL E. RYBURN,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted
as Modified.

OPINION AND ORDER

Respondent appeals from a decision of the
Administrative Law Judge filed February 4, 2010.

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. On May 30, 2009, the employment relationship existed, at which time the claimant earned wages sufficient to entitle him to weekly compensation benefits at the rate of

\$460.00/\$348.00, for temporary total/permanent partial disability.

3. On May 30, 2009, the claimant sustained an injury to his lower right leg arising out of and in the course of his employment, which rendered him temporarily totally disabled for the period commencing August 27, 2009, and continuing through the end of his healing period or until such time as he returns to appropriate employment, a date to be determined.
4. The respondents shall pay all reasonably necessary medical, hospital, nursing and other apparatus expenses growing out of and in connection with the treatment of the claimant's May 30, 2009, injury.
5. Pursuant to Ark. Code Ann. §11-9-411, respondents are entitled to a dollar-per-dollar off-set for short term disability benefits paid to the claimant through a group disability policy of the employer.
6. The respondents have controverted the compensability of this claim in its entirety.

In affirming and adopting the decision of the Administrative Law Judge, we find that finding number 3 must be modified to conform to the evidence. The claimant received a release to full duty effective February 8, 2010. Accordingly, we find that the claimant is entitled to temporary total disability benefits for August 27, 2009 through February 8, 2010.

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 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).

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.

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IT IS SO ORDERED.

A. WATSON BELL, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.