

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F803819

LINDA IRELAND, EMPLOYEE	CLAIMANT
ARKANSAS DEPARTMENT OF CORRECTION, EMPLOYER	RESPONDENT
PUBLIC EMPLOYEE CLAIMS DIVISION, INSURANCE CARRIER	RESPONDENT

OPINION FILED MARCH 12, 2010

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

Claimant appeared pro se

Respondents represented by the HONORABLE RICHARD S. SMITH, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed as Modified

OPINION AND ORDER

Respondents appeal an opinion and order of the Administrative Law Judge filed September 16, 2009 and amended on September 23, 2009. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. The employer/employee/carrier relationship existed on or about April

13, 2008, when the claimant sustained a compensable injury.

3. Based on an average weekly wage of \$646.59, the claimant's compensation rates would be \$431.00 for temporary total disability benefits and \$323.00 for permanent partial disability benefits.
4. Respondents have paid temporary total disability benefits between April 15, 2008, and June 12, 2008. Respondents paid an additional 26 weeks of disability benefits for the period between June 12, 2008, and December 17, 2008, for the mental injuries suffered by the claimant.
5. The parties agree that it has been more than one year since the date of injury.
6. Claimant has proven by a preponderance of the evidence that the medical treatment provided to her by Dr. Armstrong, Dr. Foster, and Dr. Timmons was reasonable and necessary and causally related to her compensable work-related injury.
7. Claimant has proven by a preponderance of the evidence that her need for additional medical treatment by Dr. Armstrong and Dr. Timmons, including an evaluation by a plastic surgeon, if recommended, is reasonable and necessary and causally related to her compensable work-related injury.
8. Claimant's request for facial disfigurement benefits will be deferred until the claimant has completed plastic surgery, if recommended, or elects to forego surgery.
9. Claimant's request for vocational rehabilitation is held in abeyance until her medical treatment has been completed

and an impairment rating has been assigned.

10. Claimant has proven by a preponderance of the evidence that she is entitled to additional temporary total disability benefits from December 17, 2008, until a date yet to be determined, because she has been unable to return to work due to her compensable injury.

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. However, for clarification, purposes Finding No. 4 is hereby modified as follows:

4. Respondents have paid temporary total disability benefits between April 15, 2008, and June 12, 2008. Respondents paid an additional 26 weeks of disability benefits for the period between June 12, 2008, and December 17, 2008, for the mental injuries suffered by the claimant. Under Arkansas Code Ann. §11-9-113 the claimant has exhausted all temporary total disability benefits available to her for her post traumatic stress disorder.

Finding No. 10 is also hereby modified as follows:

10. Claimant has proven by a preponderance of the evidence that she is entitled to additional temporary total disability benefits related to her post-traumatic headaches, from December 17, 2008, until a date yet to be determined.

We therefore affirm the September 16, 2009, and Amended on September 23, 2009, 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.

A. WATSON BELL, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.