

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F905074

ROSEWELL REID,
EMPLOYEE

CLAIMANT

ODD JOBS & MORE,
EMPLOYER

RESPONDENT

NATIONWIDE MUTUAL INSURANCE COMPANY,
INSURANCE CARRIER

RESPONDENT

OPINION FILED SEPTEMBER 30, 2010

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

Claimant represented by the HONORABLE ZAN DAVIS AND
HONORABLE RICHARD E. HOLIMAN, Attorneys at Law, Little
Rock, Arkansas.

Respondents represented by the HONORABLE RANDY P.
MURPHY, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and
Adopted.

OPINION AND ORDER

Respondents appeal an opinion and order of the
Administrative Law Judge filed June 29, 2010. 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 June 4, 2009.

3. Based on an average weekly wage of \$640.00, the claimant would be entitled to a compensation rate of \$427.00 for temporary total disability benefits.
4. An incident occurred on June 4, 2009, and the claimant sustained injuries resulting in the need for medical treatment, which if this claim is found compensable, would be covered by workers' compensation.
5. That the claimant has proven by a preponderance of the evidence that he suffered a compensable head injury on June 4, 2009, as a result of an unprovoked assault by an unknown third-party while performing employment services.
6. That the claimant has proven by a preponderance of the evidence that he is entitled to temporary total disability benefits from the date of the assault, June 4, 2009, until a date yet to be determined.
7. Respondents have controverted this claim in its entirety. Claimant is entitled to a twenty-five percent (25%) statutory attorney's fee on the indemnity benefits awarded herein, one-half to be paid by the respondents and one-half to be withheld from the claimant's award of benefits.
8. All other issues are 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 made by the Administrative Law Judge are

correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the June 29, 2010 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.