

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F804575

ELROY SMITH, EMPLOYEE	CLAIMANT
MOTOR TECHNOLOGIES GROUP, EMPLOYER	RESPONDENT
TRAVELERS INSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT

OPINION FILED DECEMBER 2, 2010

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

Claimant represented by the HONORABLE JIM R. BURTON, Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE MICHAEL R. RYBURN, 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 August 26, 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 employment relationship existed on May 25, 2007, when the claimant sustained a compensable injury to his

right foot and ankle, during which time he earned wages sufficient to entitle him to weekly compensation benefits of \$305.00/\$229.00, for temporary total/permanent partial disability.

3. On May 19, 2008, the claimant filed a Claim for Compensation, Form AR-C, with the Arkansas Workers' Compensation Commission, designating the same as a claim for initial benefits growing out of the May 25, 2007, compensable injury. The afore was filed within two (2) years of the date of the injury, and, as such, is not barred pursuant to the limitation period of Ark. Code Ann. §11-9-702(a) (1).
4. The August 20, 2007, prescription for a short leg brace, authored by Dr. Joseph Yao, represents reasonably necessary medical treatment in connection with the treatment of the claimant's May 25, 2007, compensable injury.
5. The evidence preponderates that the claimant continues to require medical treatment in connection with the treatment of the May 25, 2007, right lower extremity compensable injury.
6. The respondent shall pay all reasonable hospital and medical expenses arising out of and in connection with the treatment of the May 25, 2007, compensable injury.
7. The respondents have controverted the claimant's entitlement to continued medical treatment.

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 August 26, 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).

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IT IS SO ORDERED.

A. WATSON BELL, Chairman

PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.