NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F809107

RYAN STEVENS, EMPLOYEE	CLAIMANT
MID-SOUTH MIXERS, INC., EMPLOYER	RESPONDENT
COMMERCE & INDUSTRY INS. CO., INSURANCE CARRIER	RESPONDENT

OPINION FILED SEPTEMBER 2, 2010

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

Claimant represented by the HONORABLE R. THEODOR STRICKER, Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondents appeal and claimant cross-appeals on a constitutional issue, an opinion and order of the Administrative Law Judge filed April 10, 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. On September 4, 2008, the relationship of employee-employer-carrier existed among the parties.

3. On September 4, 2008, the contract of hire reflects that the claimant was paid $8.50 per hour for a 40-hour work-week, which generates an average weekly wage of $340.00, however the claimant's average weekly wage during his employment with respondent was $312.00, which generates corresponding compensation benefit rates of $208.00/$156.00, for temporary total/permanent partial disability.

4. On September 4, 2008, the claimant sustained an injury arising out of and in the course of his employment with respondent which rendered him temporarily totally disabled commencing September 9, 1008 and continued through December 4, 2008.

5. The respondent shall pay all reasonable hospital and medical expenses arising out of the injury of September 4, 2008.

6. The respondents have controverted this claim in its entirety.

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 April 10, 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.