

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. F901570

GENE THOMAS, EMPLOYEE CLAIMANT

ZACHRY INDUSTRIES, INC.  
d/b/a PLUM POINT POWER PARTNERS,  
EMPLOYER RESPONDENT

ZURICH AMERICAN 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 MARC I. BARETZ,  
Attorney at Law, West Memphis, Arkansas.

Respondents represented by the HONORABLE MICHAEL R. MAYTON,  
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondents appeal from a decision of the  
Administrative Law Judge filed January 7, 2010.

The Administrative Law Judge entered the following  
findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of the claim.
2. On December 5, 2008, the employment relationship existed when the claimant sustained an injury to his left hip arising out of and in the course of his employment

while earning wages sufficient to entitle him to the maximum applicable compensation benefit rates of \$522.00/\$392.00, for temporary total/permanent partial disability based on an average weekly wage of \$985.00.

3. The claimant was temporarily totally disabled for the period beginning February 17, 2009, and continuing through July 28, 2009.
4. The respondents shall pay all reasonable hospital and medical expenses arising out of and in connection with the treatment of the claimant's compensable December 5, 2008, left hip injury.
5. The provisions of Ark. Code Ann. §11-9-411 are inapplicable to the present claim. The evidence fails to show that the payments for the medical services in this claim subsequent to February 17, 2009, were paid under a group health care service plan, a group disability policy, a group loss on income policy, a group accident, health or accident and health policy, or self-insured employee health or welfare benefit plan, or a group hospital or medical service contract.
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 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.

IT IS SO ORDERED.

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A. WATSON BELL, Chairman

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PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.