

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F801954

| | |
|---|------------|
| HALLIE BURKS, EMPLOYEE | CLAIMANT |
| CENTRAL MOLONEY, INC., SELF-INSURED EMPLOYER | RESPONDENT |
| REGIONS CLAIMS MANAGEMENT, TPA | RESPONDENT |

OPINION FILED JUNE 1, 2011

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

Claimant appears Pro Se.

Respondents represented by the HONORABLE MICHAEL J. DENNIS, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the Administrative Law Judge filed February 16, 2011. 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 13, 2007, when the claimant sustained a compensable left knee and ankle injury while in the course and scope of her employment with respondent employer.

3. Based on an average weekly wage of \$754.12, the claimant would be entitled to a compensation rate of \$503.00 for temporary total disability benefits.
4. The claimant received a change of physician on July 14, 2008, to Dr. Ken Martin.
5. The claimant received a check of \$497.13 dated October 15, 2010, for mileage reimbursement in connection with this claim.
6. The claimant has failed to prove by a preponderance of the evidence that she is entitled to the payment of additional mileage.
7. The claimant has failed to prove by a preponderance of the evidence that she is entitled to penalties for non-payment.

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.

Therefore we affirm and adopt the February 16, 2011 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.

A. WATSON BELL, Chairman

KAREN H. McKINNEY, Commissioner

Commissioner Hood concurs, in part, and dissents, in part.

CONCURRING & DISSENTING OPINION

After a de novo review of the record, I concur in the finding that the respondent has correctly calculated and paid the amount of mileage reimbursement due to the claimant. However, as I would award a 36% late payment penalty on the amount paid, I must respectfully dissent on this issue.

PHILIP A. HOOD, Commissioner