

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G100597

RICHARD KACZMARSKI, EMPLOYEE	CLAIMANT
WARD'S LIVESTOCK AUCTION, UNINSURED EMPLOYER	RESPONDENT

OPINION FILED NOVEMBER 17, 2011

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

Claimant represented by the HONORABLE M. SCOTT WILLHITE, Attorney at Law, Jonesboro, Arkansas.

Respondents represented by the HONORABLE JIMMY GAZAWAY, Attorney at Law, Paragould, 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 10, 2011. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The respondent employed the requisite number of employees to bring its operation, Ward's Livestock Auction, within the purview and jurisdiction of the Arkansas Workers' Compensation Commission, pursuant to Ark. Code Ann. §11-9-102(11)(A).

2. On October 9, 2010, the respondent did not have in place a policy of workers' compensation insurance in place (sic), nor was it an authorized self-insured employer, but rather an uninsured employer.
3. On October 9, 2010, the employee-employer relationship existed between the parties, during which time the claimant earned an average weekly wage of \$42.00, which generates weekly compensation benefit rates of \$28.00/\$21.00, for temporary total/permanent partial disability.
4. On October 9, 2010, the claimant sustained an injury to his left shoulder arising out of and in the course of his employment with respondent which rendered him temporarily totally disabled for the period commencing January 11, 2011, and continuing through May 11, 2011.
5. The respondent shall pay all reasonable hospital and medical expenses arising out of the injury of October 9, 2010.
6. The respondent has 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 August 10, 2011, 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

KAREN H. MCKINNEY, Commissioner

PHILIP A. HOOD, Commissioner