

# NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F807871

MARCIA LEWIS, EMPLOYEE	CLAIMANT
LA-Z-BOY MANUFACTURING, EMPLOYER	RESPONDENT
SEDGWICK CLAIM MANAGEMENT SERVICES, INSURANCE CARRIER	RESPONDENT

OPINION FILED JUNE 8, 2011

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

Claimant represented by the HONORABLE EVELYN BROOKS, Attorney at Law, Fayetteville, Arkansas.

Respondents represented by the HONORABLE CURTIS NEBBEN, Attorney at Law, Fayetteville, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

## OPINION AND ORDER

Respondents appeal an opinion and order of the Administrative Law Judge filed January 13, 2011. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The stipulation agreed to by the parties at the pre-hearing conference conducted on October 20, 2010, and contained in a pre-hearing order filed that same date, is hereby accepted as fact.
2. The parties' stipulation that claimant earned an average weekly wage of \$516.64 which would entitle her to compensation

at the rate of \$344.00 for total disability benefits is also hereby accepted as fact.

3. Claimant has met her burden of proving by a preponderance of the evidence that she is entitled to temporary total disability benefits from the date of her surgery on May 22, 2009 through the date she returned to work for the respondent in June 2009.
4. Claimant has failed to prove by a preponderance of the evidence that she is entitled to temporary partial disability benefits.
5. Claimant has met her burden of proving by a preponderance of the evidence that she is entitled to a brace as recommended by Dr. Arnold.
6. Respondent has controverted claimant's entitlement to unpaid temporary total disability benefits.

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 January 13, 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.

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A. WATSON BELL, Chairman

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PHILIP A. HOOD, Commissioner

Commissioner McKinney dissents.