

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F906872

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| WILLIAM SCHUMANN (DECEASED)<br>EMPLOYEE          | CLAIMANT         |
| CARTER CONSTRUCTION CO., INC.,<br>EMPLOYER       | RESPONDENT NO. 1 |
| CHARTIS CLAIMS, INC.,<br>INSURANCE CARRIER       | RESPONDENT NO. 1 |
| DEATH & PERMANENT TOTAL<br>DISABILITY TRUST FUND | RESPONDENT NO. 2 |

OPINION FILED JUNE 24, 2011

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

Claimant represented by the HONORABLE PHILIP M. WILSON,  
Attorney at Law, Little Rock, Arkansas.

Respondents No. 1 represented by the HONORABLE JARROD  
PARRISH, Attorney at Law, Little Rock, Arkansas.

Respondent No. 2 represented by the HONORABLE DAVID  
PAKE, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and  
Adopted.

OPINION AND ORDER

Respondents appeal and claimant cross-appeals  
an opinion and order of the Administrative Law Judge  
filed March 17, 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 the within claim.
2. The claimant was at all material times an employee of the respondent-employer, earning sufficient wages to entitle him to (sic) maximum compensation rate.
3. The claimant was killed, while on the job, approximately July 12, 2009.
4. Freda Gail Schumann was married to William Schumann at the time of his death on July 12, 2009, and living together as husband and wife.
5. The claimant's widow, Ms. Freda Gail Schumann, has proven by a preponderance of the (sic) that the claimant sustained a compensable injury arising out of and in the course of his employment with Carter Construction, which was not substantially occasioned by the claimant's use of alcohol.
6. Ms. Schumann, the decedent's widow, is entitled (sic) death benefits pursuant to Arkansas Code Ann. §11-9-527, as a result of the compensable accident occurring on July 12, 2009.
7. Respondents are liable for funeral expenses pursuant to Ark. Code Ann. § 11-9-527(a).
8. The claimant's attorney is entitled to a controverted attorney's fee on all indemnity benefits awarded herein, pursuant to Ark. Code Ann. § 11-9-715.
9. All other issues not litigated herein are reserved under the Act.

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 March 17, 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

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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.