

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G800075

KENNETH BARTON, EMPLOYEE	CLAIMANT
UAMS, EMPLOYER	RESPONDENT NO. 1
PUBLIC EMPLOYEE CLAIMS DIVISION, INSURANCE CARRIER/TPA	RESPONDENT NO. 1
DEATH & PERMANENT TOTAL DISABILITY TRUST FUND	RESPONDENT NO. 2

OPINION FILED MARCH 23, 2021

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

Claimant represented by the HONORABLE GREGORY R. GILES, Attorney at Law, Texarkana, Arkansas.

Respondents No. 1 represented by the HONORABLE ROBERT H. MONTGOMERY, Attorney at Law, Little Rock, Arkansas.

Respondents No. 2 represented by the HONORABLE CHRISTY L. KING, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondents No. 1 appeal an opinion and order of the Administrative Law Judge filed November 3, 2020. 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 over this claim.

2. The stipulations set forth above are reasonable and are hereby accepted.
3. Claimant has proven by a preponderance of the evidence that he sustained a compensable injury to his thoracic spine by specific incident.
4. The preponderance of the evidence establishes that Respondents No. 1 were not provided notice under Ark. Code Ann. § 11-9-701 (Repl. 2012) of Claimant's compensable thoracic spine injury until October 31, 2017. They are liable for benefits in connection with this injury after this date.
5. Claimant has proven by a preponderance of the evidence that he is entitled to reasonable and necessary treatment of his compensable thoracic spine injury. Moreover, he has proven by a preponderance of the evidence that all of his thoracic spine treatment that is in evidence was reasonable and necessary. Respondents No. 1 are responsible for all such treatment after October 31, 2017.
6. Claimant has proven by a preponderance of the evidence that he is entitled to temporary total disability benefits from November 1, 2017 through November 15, 2018. Whether he is entitled to temporary total disability benefits for any period thereafter is a reserved issue.
7. Claimant has proven by a preponderance of the evidence that he is entitled to a controverted attorney's fee at the expense of Respondents No. 1 on the indemnity benefits awarded herein under Ark. Code Ann. § 11-9-715 (Repl. 2012).

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 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. 2012).

For prevailing on this appeal before the Full Commission, claimant's attorney is entitled to fees for legal services in accordance with Ark. Code Ann. § 11-9-715(Repl. 2012). For prevailing on appeal to the Full Commission, the claimant's attorney is entitled to an additional fee of five hundred dollars (\$500), pursuant to Ark. Code Ann. § 11-9-715(b)(Repl. 2012).

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

CHRISTOPHER L. PALMER, Commissioner

M. SCOTT WILLHITE, Commissioner