BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H503992

LAURA L. BATY, EMPLOYEE	**CLAIMANT**
REVOLUTION SUSTAINABLE SOLUTIONS, EMPLOYER	**RESPONDENT**
TRAVELERS COMMERCIAL CASUALTY CO., CARRIER	**RESPONDENT**

OPINION FILED 18 AUGUST 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 10 June 2026 in Little Rock, Arkansas.

The claimant appeared *pro se*.

The Ryburn Law Firm, Mr. Michael F. Ryburn, appeared for the respondents.

I. STATEMENT OF THE CASE

A Prehearing Order was filed on 12 May 2026 and admitted to the record as Commission's Exhibit № 1.

STIPULATIONS

Consistent with the Prehearing Order, the parties agreed to the following Stipulations:

1. The Arkansas Workers' Compensation Commission (the Commission) has jurisdiction over this claim.

2. The employee/employer/carrier relationship existed at all relevant times.

3. The claimant sustained a work-related injury to her left knee on 12 March 2025. The respondents accepted the medical-only claim and provided some benefits, accordingly.

ISSUES TO BE LITIGATED AT HEARING

Consistent with the Prehearing Order, the parties agreed to litigate the following:

1. Whether the claimant is entitled to additional medical benefits, including future treatment(s) and repayment on out-of-pocket costs for past treatment(s).

2. Whether the claimant is entitled to temporary total disability (TTD) benefits between the date of injury and a date yet to be determined.

All other issues are reserved.

CONTENTIONS

The parties' Contentions were set out in their respective Prehearing Questionnaire Responses:

> **Claimant:** Claimant contends that while at work on 12 May 2025, there was a crack in the floor that was filled with a putty-type substance that formed a high spot on the floor. She tripped over that spot, causing her to lose her balance and land on her left knee.
>
> **Respondents**: Respondents contend that Claimant did not pursue additional benefits on her claim and a motion to dismiss was filed. The Claimant objected to the dismissal and has asked for a hearing. Claimant's reason for the hearing is that "I do not think the whole situation was handled in accordance to the laws." This is not a claim for additional benefits. This is not an issue that can be decided per the law.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the record as a whole, including the evidence summarized below, and having heard testimony from the claimant, observing her demeanor, I make the following Findings of Fact and Conclusions of Law under Ark. Code Ann. § 11-9-704:

1. The Commission has jurisdiction over this claim.

2. The Stipulations as set forth above are reasonable and are hereby accepted.

3. The claimant has failed to prove by a preponderance of the evidence that she is entitled to additional medical benefits.

4. The claimant has failed to prove by a preponderance of the evidence that she is entitled to TTD benefits.

III. ADJUDICATION

The stipulated facts as outlined above are reasonable and accepted. It is settled that the Commission, with the benefit of being in the presence of a witness and observing their demeanor, determines a witness' credibility and the appropriate weight to accord their statements. *Wal-Mart Stores, Inc. v. VanWagner*, 337 Ark. 443, 990 S.W.2d 522 (1999). A claimant's testimony is never considered uncontroverted. *Nix v. Wilson World Hotel*, 46 Ark. App. 303, 879 S.W.2d 457 (1994). The determination of a witness' credibility and how much weight to accord to that person's testimony are solely up to the Commission. *White v. Gregg Agricultural Ent.*, 72 Ark. App. 309, 37 S.W.3d 649 (2001). The Commission must sort through conflicting evidence and determine the true facts. *Id.* In so doing, the Commission is not required to believe the testimony of the claimant or any other witness but may accept and translate into findings of fact only those portions of the testimony that it deems worthy of belief. *Id.*

SUMMARY OF THE EVIDENCE

The claimant was the only witness at the hearing. The record consists of the hearing transcript, which includes following exhibits: Commission's Exhibit № 1 (the 12 May 2026 Prehearing Order) and Commission's Exhibit № 2 (a Form AR-C filed on 30 June 2026). No exhibits from the parties were admitted to the record.

Claimant's Testimony

The claimant testified that she is 55 years old and that she had been working for the respondent-employer for a little over a month when she experienced a fall in the workplace. Her left knee was hurt in the fall. She testified that an office administrator put her on paid leave for three days to allow for rest at home. After reporting that she was still in pain upon her return to work, she was eventually taken to a Concentra clinic for evaluation and treatment. She was treated for a bruise, was given a knee sleeve, and was considered for

additional treatment. She acknowledged that the clinic's provider released her to return to work; but she disagreed with that assessment of her ability to return to work. She then sought treatment on her own with Dr. Martin Siems. She testified that she continues to have difficulty with her knee and that her prognosis is uncertain. Her treatment with Dr. Siems has been covered by her husband's insurance.

According to the claimant, her employment was eventually terminated. She disagreed with the reason for her termination. She stated that she has been able to receive some unemployment benefits but that her applications for disability benefits have been denied. She denied working since her termination.

On cross-examination, the claimant acknowledged that she had no proof of her claim for temporary disability. She acknowledged "a bunch of other problems," but believed that she should be entitled to some sort of disability benefits.

DISCUSSION

The claimant has failed to prove by a preponderance of the evidence that she is entitled to additional medical benefits in relation to her stipulated compensable left knee injury. Additionally, she has failed to prove by a preponderance of the evidence that she is entitled to TTD benefits.

A. THE CLAIMANT IS NOT ENTITLED TO ADDITIONAL MEDICAL BENEFITS.

The respondents accepted the claimant's left knee injury as a medical-only claim and provided her with treatment until she was released to return to work. She now seeks to hold the respondents liable for the additional treatment that she sought on her own after her release from authorized care. Employers must promptly provide medical services which are reasonably necessary in connection with the compensable injuries. Ark. Code Ann. § 11-9-508(a). However, injured employees have the burden of proving by a preponderance of the

evidence that medical treatment is reasonably necessary. *Patchell v. Wal-Mart Stores, Inc.*, 86 Ark. App. 230, 184 S.W.3d 31 (2004). What constitutes reasonable and necessary medical treatment is a fact question for the Commission, and the resolution of this issue depends upon the sufficiency of the evidence. *Gansky v. Hi-Tech Engineering*, 325 Ark. 163, 924 S.W.2d 790 (1996). A claimant may be entitled to additional treatment even after her healing period is ended, if that treatment is geared towards management of a compensable injury. *Patchell, supra.* In order to prove her entitlement to additional treatment, the claimant here must prove that the treatment is causally related to her stipulated compensable knee injury. *See Pulaski Cty. Spec. Sch. Dist. v. Tenner*, 2013 Ark. App. 569, 2013 Ark. App. LEXIS 601.

The claimant relies only on her unsupported testimony for her claim that she is entitled to additional medical treatment. She acknowledged that the respondents provided her with treatment up through her release from that provider's care. She suggested that her *seeking* additional treatment with Dr. Siems was evidence enough of her *needing* additional treatment. But the record does not include credible evidence supporting a connection between the two. I am unable to assign meaningful evidentiary weight to the claimant's vague and unsupported testimony that whatever treatment she sought with Dr. Siems (with whom she already had an established patient-physician relationship) was reasonable and necessary treatment that was causally related to her stipulated compensable injury. Doing so would require me to engage in speculation and conjecture, and that I simply cannot do. *Dena Constr. Co. v. Herndon*, 264 Ark. 791, 575 S.W.2d 155 (1979). The claimant has failed to prove by a preponderance of the evidence that she is entitled to additional medical benefits in connection with her stipulated compensable injury.

B. THE CLAIMANT IS NOT ENTITLED TO TTD BENEFITS.

The claimant seeks TTD benefits for the period of time beginning on the date of her stipulated compensable injury and extending through a date yet to be determined. The claimant's stipulated compensable left knee injury is a scheduled one. Ark. Code Ann. § 11-9-521(a)(4). An employee who has sustained a compensable scheduled injury is entitled to TTD benefits while in her healing period or until the employee returns to work, whichever occurs first. *See Wheeler Const. Co. v. Armstrong*, 73 Ark. App. 146, 41 S.W.3d 822 (2001).

> The healing period is that period for healing of the injury which continues until the employee is as far restored as the permanent character of the injury will permit. *Nix*, [*supra*]. If the underlying condition causing the disability has become more stable and if nothing further in the way of treatment will improve that condition, the healing period has ended. *Id*. Whether an employee's healing period has ended is a factual determination to be made by the Commission. *Ketcher Roofing Co. v. Johnson*, 50 Ark. App. 63, 901 S.W.2d 25 (1995).

Id. A claimant must prove her entitlement to TTD benefits by a preponderance of the evidence. Ark. Code Ann. § 11-9-705(a)(3).

While the claimant's testimony did not provide a clear timeline for events following her injury, she was certain that she was given three days of paid leave immediately upon reporting her injury. But to establish an entitlement to TTD benefits, she must demonstrate that her disability lasted more than seven days. Ark. Code Ann. § 11-9-501(a)(1). She cannot meet her burden on this. After taking the three days of leave, she returned to work. "I was scared I was gonna lose my job over this. And so I made myself walk and I hurt and hurt." But the persistence of pain is not sufficient in itself to extend the healing period. *Smallwood v. Ark. Dep't of Hum. Servs*., 2010 Ark. App. 466, 375 S.W.3d 747. She explained experiencing some difficulty with different tasks *after returning to work* and regularly making complaints about the same, but she presented no credible evidence of her disability lasting more than the three days for which she was paid—and certainly not

more than the seven-day statutory minimum. She has thus failed to establish her entitlement to TTD benefits.

IV. CONCLUSION

The claimant has failed to prove by a preponderance that she is entitled to additional medical benefits. She has also failed to prove by a preponderance of the evidence that she is entitled to TTD benefits. Accordingly, her claim for additional benefits is denied.

SO ORDERED.

_____
JAYO. HOWE
ADMINISTRATIVE LAW JUDGE