BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC FILE № H307524

KANEKALON BISHOP, EMPLOYEE	**CLAIMANT**
ARK. DEPT. OF CORRECTION, EMPLOYER	**RESPONDENT**
PUBLIC EMPLOYEE CLAIMS DIVISION, TPA	**RESPONDENT**

OPINION FILED 31 DECEMBER 2024

Heard before Arkansas Workers' Compensation Commission (AWCC) Administrative Law Judge JayO. Howe on 3 October 2024 in Pine Bluff, Arkansas.

Caldwell Law Firm, Mr. Andy Caldwell, appeared for the claimant.

Arkansas Insurance Department, Public Employee Claims Division, Mr. Charles McLemore, appeared for the respondents.

I. STATEMENT OF THE CASE

The above-captioned case was heard on 3 October 2024 in Pine Bluff, Arkansas, after the parties participated in a prehearing telephone conference on 25 June 2024. A Prehearing Order, admitted to the record without objection as Commission's Exhibit № 1, was entered on 27 June 2024.

That Order set forth the following STIPULATIONS:

1. The AWCC has jurisdiction over this claim.

2. An employee/employer/TPA relationship existed at all relevant times.

3. The claimant's average weekly wage at the time relevant to this claim was $512 per week, which would entitle her to Temporary Total Disability (TTD) benefits in the amount of $341 per week and Permanent Partial Disability (PPD) benefits in the amount of $256 per week.[1]

[1] The Order stated that the parties would stipulate to the average weekly wage amount at the hearing. That amount was agreed upon and read into the record at the beginning of the hearing. See TR at 9-10.

The Order also stated the following ISSUES TO BE LITIGATED:

1. Whether the claimant is entitled to PPD benefits associated with her accepted compensable workplace injury.

2. Whether the claimant is entitled to the cost of an impairment evaluation performed by Functional Testing Centers.[2]

3. Whether the claimant is entitled to benefits under ACA § 11-9-505 related to the time between her return-to-work authorization on 23 April 2024 and the reinstatement of her employment on 13 May 2024.

4. Whether the claimant is entitled to an attorney's fee.

All other ISSUES are reserved.

The parties' CONTENTIONS, as set forth in their pre-hearing questionnaire responses, were incorporated into the Prehearing Order. Those filings were admitted into the record as Claimant's Exhibit № 4 and Respondents' Exhibit № 4, respectively. With respect to the additional ISSUE of whether the claimant is entitled to the cost of the impairment evaluation performed by Functional Testing Centers (FTC), the claimant contends that the evaluation was reasonable and necessary. The respondents, on the other hand, contend that the evaluation was not reasonable or necessary in light of an earlier impairment rating assigned by the claimant's physician. They further contend that the evaluation was not authorized.[3]

The claimant was the only WITNESS to testify at the hearing.

The EVIDENCE considered in this claim consisted of the hearing testimony along with the following EXHIBITS: Commission's Exhibit № 1 (the Prehearing Order), Claimant's Exhibit № 1 (one index page and 81 pages of medical records), Claimant's Exhibit № 2 (one index page and six pages of non-medical records), Claimant's Exhibit № 3 (an invoice from

[2] This issue was not listed in the Order, but it was added by the claimant without objection. The evaluation was performed after the entry of the Prehearing Order.
[3] See TR at 13-14.

Functional Testing Centers for an impairment rating evaluation), Claimant's Exhibit № 4 (the claimant's prehearing filing, which includes a notation from the claimant's counsel on seeking the cost of an impairment evaluation from Functional Testing Centers), and Claimant's Exhibit № 5 (various claim forms dated 24 September 2024); Respondents' Exhibit № 1 (a letter from the respondents' counsel), Respondents' Exhibit № 2 (one index page and 16 pages of non-medical records), Respondents' Exhibit № 3 (one index page and 52 pages of medical records), and Respondents' Exhibit № 4 (the respondents' prehearing filing).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the record as a whole and having heard testimony from the witness, observing her demeanor, I make the following findings of fact and conclusions of law under ACA § 11-9-704:

1. The AWCC has jurisdiction over this claim.

2. The previously-noted stipulations are accepted as fact.

3. The respondents' motions to introduce new evidence are denied.

3. The claimant has met her burden on proving that she is entitled to PPD benefits consistent with a one percent (1%) impairment rating to the whole body.

4. The claimant has met her burden on proving that the impairment evaluation was reasonably necessary treatment for which the respondents are responsible for the cost.

5. The claimant is entitled to an attorney's fee on the indemnity benefits awarded herein.

III. HEARING TESTIMONY

Claimant Ms. Kanekalon Bishop

The claimant testified that at the time of her 9 November 2023 injury she was working as an administrative assistant for facility maintenance at the Arkansas

Department of Correction's Maximum Security Unit in Tucker, Arkansas. She was injured when a remotely operated security gate slid closed and caught her arm (between her wrist and elbow) while she was passing something through the gate to another employee. Her injury was accepted as compensable and benefits, including medical treatment and TTD payments, were provided.

The claimant initially treated at a MedExpress clinic before being referred to OrthoArkansas, where she was seen by Dr. Michael Hussey, who then referred her to Dr. Brian Norton. While under the care of Dr. Norton, the claimant remained off work. On 13 March 2024, Dr. Norton performed surgery on the claimant's right wrist.

In January of 2024, the respondents terminated the claimant's employment; but they continued to provide benefits, including TTD payments and medical treatment, after her termination. The claimant testified that the reason for her termination was unclear, as she remained in contact with the respondents while off work and undergoing authorized care.

Dr. Norton released the claimant to return to work without restrictions on 23 April 2024. She sought reinstatement with the respondents upon her release, but the respondents did not return her to work until 13 May 2024. She did not have any other employment or income in the time between her release to work and her reinstatement.

On 29 May 2024, the claimant followed up with Dr. Norton again; and he placed her at maximum medical improvement (MMI) without restrictions. Dr. Norton subsequently authored a letter assigning the claimant a zero percent impairment rating.

After the claimant received the zero percent impairment rating from Dr. Norton, she presented for an evaluation with FTC. She testified that they performed testing, including measuring her range of motion, that Dr. Norton did not do with her. FTC assigned the claimant a one percent (1%) impairment rating. The rating has not been accepted or paid by

the respondents, as that issue is part of this litigation. Similarly, the cost of the evaluation with FTC has not been paid by the respondents.

The claimant testified that the respondents did not provide her a form AR-N at or around the time of her injury. She stated that she was eventually provided that form, along with some other forms, on 24 September 2024. The claimant also testified that she continued to experience some trouble with her right arm and that her treatment with Dr. Norton was continuing for further evaluation of her complaints, including an EMG study that was authorized and ordered but had not been conducted at the time of the hearing.

On her cross examination, the claimant described having to reapply, interview, and complete paperwork for her reinstatement. The parties agreed that her eventual return to work was on Monday, 13 May 2024. Since returning to work, she has been reassigned to different areas, but has been doing essentially the same work as before her injury and for the same pay.

The claimant disagreed with the respondent counsel's suggestion that she was reinstated on 3 May 2024. He cited an internal email from that day discussing her reinstatement [Resp. Ex. № 2 at 6]; but the claimant testified that she did not receive a call telling her that she was to return to work until the Thursday before her first day back on Monday, May 13th.

Medical and Documentary Evidence

The claimant first presented to a MedExpress clinic on the day of her 9 November 2024 injury. She was assessed for pain and a contusion of her right arm and taken off work. She followed up with MedExpress on 15 November 2023 and was referred for imaging and an orthopedic consult.

At OrthoArkansas, the claimant first saw Dr. Michael Hussey, who referred her to "Dr. Norton a wrist specialist for further evaluation." [Cl. Ex. № 1 at 26.] Dr. Norton

initially suspected intersection syndrome and ordered injection therapy. An EMG study on 30 January 2024 revealed right side carpal tunnel syndrome and cubital tunnel syndrome. At her next appointment with Dr. Norton, they discussed her options and planned for surgery

On 13 March 2024, Dr. Norton performed surgery for right carpel tunnel syndrome, right radial tunnel syndrome, and right intersection syndrome. The procedure was completed without complications. When the claimant followed up in clinic two weeks later, Dr. Norton noted that she was recovering well. He then referred her for occupational therapy.

Dr. Norton saw the claimant again on 23 April 2024. His note from that day states, in part:

> HPI: … She is doing well other than some occasional pain and flareups. Overall she is improving.
>
> Examination- Right Wrist: The wound has healed without evidence of infection. There is no significant swelling, inflammation, erythema, or edema.
>
> Examination- Right Hand: The wound has healed without evidence of infection. There is no significant swelling, inflammation, erythema, or edema. There is full motion in the fingers. Sensory exam is intact to light touch. There is no hyperesthesia or hypoesthesia along the palm of the hand.
>
> Plan: Overall patient is improving. She does [have] some occasional pain and flareups with regards to the wrist and hand. At this point I will allow her to return to work without restrictions. She will continue with therapy in the form of range of motion and strengthening. She will come back to see me in 6 weeks.

[Cl. Ex. № 1 at 63.]

The claimant saw Dr. Norton again on 29 May 2024. The notes from that visit included, "Plan: Overall patient is doing well. She was released from therapy. At this point I believe she can return to work without restrictions. I will also place her at MMI. She will come back to see me as needed." [*Id*. at 67.]

On 1 July 2024, Dr. Norton authored a letter stating that, "following the surgery the patient completed a course of therapy. She did well during her therapy and has gotten progressively better." He assigned a zero percent (0%) impairment rating based on the AMA Guides to the Evaluation of Permanent Impairment, Fourth Edition. [*Id*. at 68.]

The claimant later presented to FTC for evaluation. The summary of that evaluation is dated 16 August 2024, and it includes various graphs, illustrations, measurement ranges, and measured results. FTC assigned a one percent (1%) impairment rating to the right upper extremity for radial deviation, which relates to a one percent (1%) impairment of the whole person according to the AMA Guides to the Evaluation of Permanent Impairment, Fourth Edition. [*Id*. at 69-74.]

The claimant followed up with Dr. Norton again on 21 August 2024 for complaints of some numbness, tingling, and cramping in her right hand. He recommended a repeat EMG study and returned her to normal work without restrictions. That EMG study was authorized and scheduled to be performed after the date of the hearing.

The respondents provided the claimant with a Form AR-N on 24 September 2024, indicating that the employer was notified of her accident on 9 November 2023. Also on 24 September 2024, the claimant received Public Employee Claims Division Forms PECD 1, *Employee's Report of Injury*, and PECD 2, *Worker's Comp Information Sheet*. [Cl. Ex. №. 5.] The PECD 2 Form indicates that her disability began on 9 November 2023 and that her return to work was on 13 May 2024.

A number of letters and emails were entered into evidence by both parties. The respondents argued through counsel that the claimant was possibly "reinstated" as early as 3 May 2024. [Resp. Ex. № 2 at 6.] That day, however, she received an email with the subject line "Interview" that stated:

> I received your application for an Administrative Specialist I. Your interview will be May 6, 2024, at 9AM, at the Maximum-Security Unit, 2501 State Farm Road, Tucker, Arkansas 72168. The attire for the interview is BUSINESS CASUAL (NO JEANS, HOODIES, HATS, SLIDES OR TENNIS SHOES). If for any reason you are unable to attend the interview…
>
> The following documents are **REQUIRED** for the interview process:
> Social Security Card
> Social Security Numbers if you have children living in your home (jot them down)
> Driver's License
> High School Diploma, Transcript, GED or College Degree

[*Id.* at 7 (emphasis in original).]

An internal email exchange from 10 May 2024 includes, "This packet has been approved. Please provide a start date and supervisors name and position number." A start date of 13 May 2024 was then provided in a reply. [*Id.* at 8.]

The claimant introduced an email exchange that began on 25 April 2024, with the respondents notifying the claimant's counsel of her release to return to work without restrictions. [Cl. Ex. № 2.] The following day, her counsel responded, in part:

> My understanding is that Ms. Bishop was terminated by the Respondent Employer while she was off for her injuries. Now that she has been released to return to work, please accept this correspondence as the Claimant's formal demand that [her] employment with Respondents be reinstated immediately.
>
> …
>
> …she should be reinstated with the same position, pay, seniority, and progress regarding her probationary period as if her employment had never been terminated in the first place.
>
> …
>
> It should be noted that her reinstatement should be done without causing her any prejudice as a result of her termination which was the result of a work-related injury.

[*Id.* at 5.] After the respondents suggested that she apply for any of six open positions, counsel responded, "She should not have to apply. She needs to be reinstated as per my correspondence." [*Id.* at 4.] After some back-and-forth, the respondents explained on 29

April 2024 that, "There is no guarantee to get a position due to background check and drug screening. If she gets the position, she will not have to go through new employee training is my understanding." [*Id.* at 3.]

IV. ADJUDICATION

The stipulated facts are outlined above and accepted. It is settled that the Commission, with the benefit of being in the presence of witnesses 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, 448, 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.*

An evidentiary matter must be addressed as an initial matter. After the evidence in this claim was closed and the case was submitted, the respondents submitted two Motions to Introduce Newly Discovered Evidence. The first was submitted on 25 October 2024, and the second was submitted on 12 December 2024. Notes from an EMG study, clinic visits, and physician orders, all occurring after the date of the hearing, were attached to the motions. The claimant objected to the introduction of the evidence as not relevant to the issues at bar. The claimant also objected on the basis that the scheduling of at least some of the appointments, specifically an EMG study, was known to the respondents ahead of the

hearing and the respondents declined to seek a continuance based on the yet-to-be available reports and records.

The Commission is not bound by the technical rules of procedure or evidence; but it should conduct proceedings in a way that best ascertains the rights of the parties. A.C.A. § 11-9-705(a)(1). To that end, it has been made clear that the Commission has "a great deal of latitude in evidentiary matters." *Bryant v. Staffmark, Inc.*, 76 Ark. App. 64, 61 S.W.3d 856 (2001). Our courts have held that evidence may be belatedly presented when (1) the newly discovered evidence is relevant; (2) the evidence is not cumulative; (3) the evidence would impact the result of the inquiry; and (4) the movant is diligent in presenting the evidence. *Haygood v. Belcher*, 5 Ark. App. 127, 633 S.W.2d 391 (1982).

The records at issue were clearly not offered in compliance with A.C.A. § 11-9-705(c)(1)(A), which requires submission of evidence prior to the date of a hearing, because they were not available prior to the hearing. But no continuance was requested based on their anticipated relevance or probative value.

These treatment records may relate to other issues reserved for potential litigation, but I do not find the records to be relevant to the matters at hand. Based on this finding, I am accepting the papers strictly as a proffer. They are being blue-backed with this opinion, but are not admitted as evidence on this record.

A. The Claimant Proved by a Preponderance of the Evidence That She is Entitled to Permanent Partial Disability Benefits.

Permanent impairment is any permanent functional or anatomical loss remaining after the healing period has been reached. *Johnson v. General Dynamics*, 46 Ark. App. 188, 878 S.W.2d 411 (1994). Any determination of the existence or extent of physical impairment shall be supported by objective and measurable physical findings. Ark. Code Ann. § 11-9-9704(c)(1). Objective findings are those findings which cannot come under the

voluntary control of the patient. Ark. Code Ann. § 11-9102(16)(A)(i). Although it is true that the legislature has required medical evidence to establish a compensable injury, it does not follow that such evidence is required to establish each and every element of compensability. *Stephens Truck Lines v. Millican*, 58 Ark. App. 275, 950 S.W.2d 472 (1997). Medical opinions addressing impairment must be stated within a reasonable degree of medical certainty. Ark. Code Ann. § 11-9102(16)(B). Permanent benefits shall be awarded only upon a determination that the compensable injury was the major cause of the disability or impairment. Ark. Code Ann. § 11-9-102(f)(ii)(a). "Major cause" means more than fifty percent (50%) of the cause. Ark. Code Ann. § 11-9-102(14).

The record contains competing assessments of whether the claimant is permanently impaired because of her compensable injury. Dr. Norton provided an assessment of a zero percent (0%) impairment rating, while Casey Garretson, OTD, of Functional Testing Centers, Inc., assessed a one percent (1%) impairment rating.

The claimant first came under Dr. Norton's care in January of 2024. He eventually performed surgery on the claimant and directed her post-operative care, which included therapy. Dr. Norton released the claimant without restrictions on 23 April 2024, noting that "she will continue therapy in the form of range of motion and strengthening." At another visit on 29 May 2024, Dr. Norton placed the claimant at MMI, noting that "She is doing much better. Her pain is improved. She was released from therapy." On 1 July 2024, he authored a letter assigning a zero percent impairment rating. The letter notes again that the claimant "has gotten progressively better." It goes on to state that, "At her last visit on 5/29/2024 I released her to drive to work without restrictions. She will come back to see me as needed." While Dr. Norton noted earlier that therapy was aimed at improving the claimant's strength and range of motion, he did not make any specific findings relative to

those stated goals. The letter does not include any information about objective testing or measures used to determine a zero percent impairment rating.

On 16 August 2024, the claimant sought another opinion on whether she was permanently impaired. She testified that her evaluation with FTC was more thorough than any exam performed by Dr. Norton and, specifically, that her range of motion was measured. The evaluation resulted in a finding that the claimant was entitled to what amounted to a 1% impairment of the whole person due to a slight radial deviation impairment.

The Commission is authorized to accept or reject a medical opinion and is authorized to determine its medical soundness and probative value. *Poulan Weed Eater v. Marshall*, 79 Ark. App. 129, 84 S.W.3d 878 (2002). Based on the thorough and specific findings reported in the FTC evaluation, I assign more evidentiary weight to that impairment rating than the one provided by Dr. Norton in a letter a month after his last visit with the claimant. The claimant is, therefore, entitled to PPD benefits in accordance with a 1% rating of the whole person.

B. The Claimant is Entitled to the Cost of the Impairment Evaluation Performed by Functional Testing Centers, Inc.

The claimant argues that the respondents are responsible for the costs associated with the impairment evaluation performed by FTC. The respondents argue that the evaluation was not reasonable or necessary in light of the rating assigned by Dr. Norton, and they further argue that the evaluation was not authorized.

As discussed in *Tempworks Mgmt. Servs. v. Jaynes*, 2023 Ark. App. 147, 662 S.W.3d 280, A.C.A. § 11-9-514(c)(1-3) requires that the respondents provide an injured employee with a notice explaining the rights and responsibilities around a change of physician. Unauthorized treatment sought after an employee receives that notice is not the employer's

responsibility. But an employee is not constrained by the change-of-physician rules if a copy of the notice is not provided.

The record in this claim does include a signed Form AR-N evidencing that the respondents provided notice of the change-of-physician rules to the claimant. That form, however, was not provided to the claimant until *after* the claimant underwent a second opinion on her impairment evaluation from FTC. As noted above, the FTC evaluation summary is dated 16 August 2024, and the Form-N is dated 24 September 2024. The claimant was, thus, not bound by the change-of-physician rules; and the respondents' argument that the FTC evaluation was unauthorized necessarily fails.

The parties disagree on whether the FTC evaluation was reasonable or necessary. The claimant testified that the FTC evaluation involved thorough testing that Dr. Norton did not perform during his exam(s) with the claimant, and that evaluation, indeed, found that the claimant suffered an impairment. As discussed above, I have found the results of the FTC evaluation to be credible.

An employer shall promptly provide for an injured employee such medical treatment as may be reasonably necessary in connection with the injury received by the employee. A.C.A. § 11-9-508(a). The claimant bears the burden of proving that she is entitled to additional medical treatment. *Dalton v. Allen Eng'g Co.*, 66 Ark. App. 201, 989 S.W.2d 543 (1999). What constitutes reasonable and necessary medical treatment is a question of fact for the Commission. *White Consolidated Indus. v. Galloway*, 74 Ark. App. 13, 45 S.W.3d 396 (2001); *Wackenhut Corp. v. Jones*, 73 Ark. App. 158, 40 S.W.3d 333 (2001).

The claimant sustained an accepted compensable injury and ultimately underwent surgery and therapy related to that injury. She disagreed with her physician's opinion on a permanent impairment rating and sought additional treatment, by way of a second opinion on an impairment evaluation, from a licensed provider in the practice of performing

impairment evaluations. Under the facts of this claim, I find that a preponderance of the evidence establishes that the evaluation performed by FTC was reasonably necessary treatment and that the respondents are liable for the cost of that evaluation.

C. The Claimant is Entitled to Benefits Under A.C.A. § 11-9-505 for the Period of Time between her Release to Return to Work and her Reemployment.

The claimant seeks benefits under A.C.A. § 11-9-505 for the time between her full duty release (and the corresponding end of her TTD payments) and her return to employment with the respondent. The statute, in pertinent part, provides:

> Any employer who without reasonable cause refuses to return an employee who is injured in the course of employment to work, where suitable employment is available within the employee's physical and mental limitations, upon order of the Workers' Compensation Commission, and in addition to other benefits, shall be liable to pay to the employee the difference between benefits received and the average weekly wages lost during the period of the refusal, for a period not exceeding one (1) year.

A.C.A. § 11-9-505(a)(1).

In *Torrey v. City of Fort Smith*, 55 Ark. App. 226, 934 S.W.2d 237 (1996), the Court of Appeals discussed the application of the statute.

> Before Ark. Code Ann. § 11-9-505(a) applies several requirements must be met. The employee must prove by a preponderance of the evidence that he sustained a compensable injury; that suitable employment which is within his physical and mental limitations is available with the employer; that the employer has refused to return him to work; and, that the employer's refusal to return him to work is without reasonable cause.

That case involved an employer's offer for an injured employee to interview for an open position. That uncertain offer of potential employment was, however, not consistent with the policy promoted by the law. The Court explained, "In reviewing pertinent sections of the Act, we find that the legislative intent that the injured worker be allowed to reenter the work force permeates the language of sections of the Act." *Id.*

In *Ark. Dept. of Corr. v. Jennings,* 2017 Ark. App. 446, 526 S.W.3d 924, the Court more recently reviewed a similar claim for benefits under § 505. Discussing its affirmance of an award for benefits, the Court explained:

> … Jennings only sought and was awarded 505(a) benefits for ADC's refusal to put her back to work when she fully recovered from her injury and could work without medical restriction. ADC contends that it did not refuse to return Jennings to work because it told her that she could reapply for an ADC job once she recovered. Jennings's counsel demanded reinstatement to her previous position, which the ADC refused. We agree with the Commission's findings that allowing an injured employee to "reapply" and "be considered" for employment is not sufficient to meet the statutory requirement that the employer return the employee to work. That is because the option to "reapply" and "be considered" for employment necessarily involves an element of uncertainty as to the outcome of the application process. Moreover, even if Jennings were rehired, she would have lost credit for the time she had successfully worked during her probationary period, requiring her to start anew. Both the plain language of the statute and its recognized purpose focus on returning an injured employee to work, and we agree with Jennings that reinstatement, rather than reapplication, was required.

Id. Here, the claimant was ultimately reinstated to her previous role at the same level of pay. But it was not without the intervening uncertainty of her reinstatement during a time where there is no dispute that she was not receiving any benefits or wages. Indeed, the respondents made clear that her reinstatement was *not* guaranteed. Discussing the difference in reinstatement and a conditional offer to reapply, the Court made clear in *Jennings* that "reapplication is not the equivalent of reinstatement, and the record clearly shows that [the claimant's] attorney made a formal demand for reinstatement, which the [respondent] refused." The same is true here.

The respondents argued at the hearing that the claimant's time without employment or any benefits should be excused as distinct from a "refusal" to reinstate her due to the nature of prison operations and the administrative time and process it takes to onboard someone into such a role. I do not find that the caselaw supports such a distinction

or demurrer from an employer's obligations under the law. The claimant should have been reinstated upon her release without restrictions.

After her release without restrictions, the claimant received a letter, dated 25 April 2024, stating that her final check for TTD benefits was being issued, covering "4/18/2024 to 4/23/2024." [Resp. Ex. № 2 at 5.] The claimant testified that her employment began again on 13 May 2024, and the respondents' documentary evidence was consistent with that date. Accordingly, I find that the claimant is entitled to benefits under A.C.A. § 11-9-505 for the time between her release, beginning 24 April 2024, and her eventual return to work on 13 May 2024.

D. The Claimant Proved by a Preponderance of the Evidence that She is Entitled to an Attorney's Fee.

Consistent with the findings above, the claimant has met her burden on proving her entitlement to an attorney's fee under A.C.A. § 11-9-715.

V. ORDER

Consistent with the findings and conclusions above, the claimant is entitled to (1) benefits under A.C.A. 11-9-505, (2) PPD benefits consistent with a 1% impairment to the whole body, (3) the cost of the reasonably necessary impairment evaluation, and (4) an attorney's fee on the indemnity benefits awarded herein, consistent with A.C.A. § 11-9-715. This award shall bear interest at the legal rate pursuant to A.C.A. § 11-9-809.

SO ORDERED.

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JAYO. HOWE
ADMINISTRATIVE LAW JUDGE