

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.: G708582

**LINDA BRADLEY,
EMPLOYEE**

CLAIMANT

**PINE BLUFF SCHOOL DISTRICT,
EMPLOYER**

RESPONDENT

**ARKANSAS SCHOOL BOARDS ASSOCIATION WCT,
TPA/CARRIER**

RESPONDENT

OPINION FILED AUGUST 5, 2025

Hearing held before ADMINISTRATIVE LAW JUDGE CHANDRA L. BLACK in Pine Bluff, Jefferson County, Arkansas.

Claimant, pro se/unrepresented, appeared for the hearing.

Respondents represented by the Honorable Melissa Wood, Attorney at Law, Little Rock, Arkansas.

Statement of the Case

On May 8, 2025, the above-captioned claims came on for a full hearing in Pine Bluff, Arkansas. A prehearing telephone conference was conducted in the above-styled claims on November 17, 2024, by Administrative Law Judge Jay O. Howe, from which a Prehearing Order was filed on that same day. A copy of said order and the parties' responsive filings have been marked as Commission's Exhibit 1 and made a part of the record without objection.

Stipulations

During the prehearing telephone conference, and/or hearing the parties agreed to the following stipulations:

1. The Arkansas Workers' Compensation Commission has jurisdiction of the within claim.

2. That the employee-employer-carrier relationship existed at all relevant times including on December 4, 2017, when the Claimant sustained compensable injuries to her neck and right shoulder.
3. The Claimant's average weekly wage was \$416.37, which would entitle her to temporary total disability benefits in the amount of \$278.00 per week, and permanent partial disability compensation in the amount \$209.00 per week.
4. On June 9, 2022, Dr. Charles Pearce assigned the Claimant a 4% permanent impairment rating to the person as a whole. The Respondents accepted and paid this rating accordingly.
5. On April 12, 2024, the Full Commission entered an Opinion affirming and adopting an earlier ALJ Opinion on certain claims previously litigated. The Law of the Case Doctrine applies accordingly.

Issues

By agreement of the parties, the issues to be litigated at the hearing included the following:

1. Whether the Claimant is entitled to an additional permanent partial disability rating, above the 4% impairment rating previously paid to her by the Respondents for her shoulder injury of December 4, 2017.
2. Whether the Claimant is entitled to additional medical benefits for her compensable injuries.
3. All other issues are reserved.

Contentions

The respective contentions of the parties are as follows:

Claimant:

The Claimant contends she is entitled to additional indemnity benefits to compensate her for the difficulties that she continues to experience since her December 4, 2017, injury. She additionally claims entitlement to additional medical benefits.

Respondents:

The Respondents contend that all appropriate benefits have been paid with regard to Claimant's injuries sustained on December 4, 2017.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on my review of the record as a whole, to include the aforementioned documentary evidence, other matters properly before the Commission, and after having had an opportunity to hear the testimony of the witness and observe her demeanor, I hereby make the following findings of fact and conclusions of law in accordance with Ark. Code Ann. §11-9-704 (Repl. 2012):

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. I hereby accept the above-mentioned proposed stipulations as fact.
3. The Claimant failed to prove by a preponderance of the evidence her entitlement to any additional permanent impairment benefits.
4. The Claimant proved by a preponderance of the evidence her entitlement to any additional medical benefits for her December 4, 2017, compensable injuries.
5. All issues not litigated herein are reserved.

Summary of Evidence

Ms. Linda Bradley (referred to herein as the "Claimant"), was the only witness to testify at the hearing.

The record consists of the May 8, 2025 hearing transcript and the following exhibits: Specifically, Commission's Exhibit 1 includes the Commission's Prehearing Order filed on November 8, 2023 and the parties' responsive filings; Respondents' Exhibit No. 1 is a Respondents' Hearing Exhibit Index of Medicals comprising of four totaled pages; Respondents' Exhibit No. 2 is a Respondents' Hearing Exhibit Index of Non-Medicals consisting of fourteen numbered pages; Respondents' Exhibit No. 3 is a prior ALJ Opinion filed on November 17, 2023, consisting of sixteen numbered pages; and the Hearing Transcript of August 10, 2023 was marked as Respondents' Exhibit No. 4. It is retained in the Commission's file. The Full Commission's

April 12, 2024, Opinion was inadvertently left out of the hearing transcript. It has been blue-backed and made a part of the record in this present claim.

History

At the time of the hearing, the Claimant was sixty-three years of age. She testified that she worked for the Pine Bluff School District as a para-professional, assisting disabled students. It is undisputed that the Claimant was injured on December 4, 2017, when a student suddenly ran into the building unaccompanied. The Claimant ran after the student and she tripped and fell, injuring her right shoulder and neck.

The Respondents accepted the claim as compensable and began paying benefits to and on behalf of the Claimant. However, the Claimant confirmed that her primary injury was to her right shoulder. An MRI revealed a tear in her right shoulder. Although the Claimant did not recall the exact date of her shoulder surgery, the record shows that Dr. Gordon performed this surgery on April 19, 2018.

She confirmed that the Respondents paid her temporary total disability compensation following her surgery. Ultimately, the Claimant was assigned a 4% impairment rating for her shoulder injury. She confirmed that the Respondents paid her eighteen weeks of benefits for this impairment rating.

The Claimant admitted that she is asking for an increased rating above the previously paid 4% rating for her compensable right shoulder injury of December 4. She further admitted that she has no medical documentation to support her claim for these other benefits. Her testimony shows that she believes that she is entitled an additional rating for her shoulder injury due to chronic pain. Per the Claimant, she experiences pain daily, and it has not ceased since her accident.

She described shooting pain in her shoulder that interferes with her activities of daily living, such as combing hair, daily grooming, and simple things like picking up pots and pans. According to the Claimant, she also has difficulty sleeping.

Currently, she takes hydrocodone for her shoulder, which is prescribed by a doctor at the Pain Treatment Centers of America, which is located in White Hall. The Claimant readily admitted that the only symptoms she has relating to her shoulder is pain. She maintained that she has sought medical treatment on her own for her shoulder condition in the form of injections, a TENS Unit, and physical therapy. Despite this treatment, the Claimant maintained that her shoulder pain has continued since her compensable injury. The Claimant maintained that an implant is being recommended for her shoulder, but she is afraid to undergo this procedure. However, no medical documentation has been presented in this regard to support a finding for an additional surgery.

On cross-examination the Claimant verified that she got a change of physician to treat with Dr. Ahmadi at UAMS. According to the Claimant, Dr. Ahmadi wanted to perform surgery, but he left the clinic before he could perform the surgery. That is the reason the Claimant began treating Dr. Pearce.¹ He released the Claimant from his care in July 2021.

The Claimant admitted that during the last hearing, she agreed that the treatment she received from her primary care provider and Pain Treatment Centers of America was unauthorized. As a result, the Respondents did not pay for this medical care.

On July 27, 2021, Dr. Charles Pearce released the Claimant from his care. He returned the Claimant to full duty work with no restrictions. At that time, he assigned the Claimant a 4% whole person impairment rating for her right shoulder injury.

¹ Although there is testimony from the Claimant referencing a "Dr. Pierce," she is actually referring to Dr. Charles *Pearce*, which is the correct spelling of his last name.

Discussion

This is the second hearing in this claim. The first hearing was held on August 10, 2023. ALJ Howe rendered an Opinion in that claim on November 17, 2023. At that time, the Claimant asserted that she was entitled to wage loss and permanent and total disability benefits. ALJ Howe found that the Claimant failed to prove by a preponderance of the evidence that she was entitled to any additional benefits sought in connection with her compensable injuries. The Full Commission affirmed and adopted this decision in an Opinion issued on April 12, 2024.

Now, the Claimant contends that she is entitled to additional medical treatment for her injuries and an additional rating above the 4% rating, which has been previously accepted and paid by the Respondents.

The relevant law at issue is outlined below:

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. Ark. Code Ann. § 11-9-508(a). The Claimant bears the burden of proving by a preponderance of the evidence that medical treatment is reasonably necessary. *Stone v. Dollar General Stores*, 91 Ark. App. 260, 209 S.W.3d 445 (2005).

Permanent impairment is any functional or anatomical loss remaining after the healing period has been reached. *Johnson v. Gen. Dynamics*, 46 Ark. App. 188, 878 S.W.2d 411 (1994). The Commission has adopted the American Medical Association *Guides to the Evaluation of Permanent Impairment* (4th ed. 1993) to be used in assessing anatomical impairment. See *Commission Rule 34*; Ark. Code Ann. §11-9-522(g) (Repl. 2012). It is the Commission's duty, using the *Guides*, to determine whether the Claimant has proved she is entitled to permanent anatomical impairment. *Polk County v. Jones*, 74 Ark. App. 159, 47 S.W.3d 904 (2001).

Any determination of the existence or extent of physical impairment shall be supported by objective and measurable physical findings. Ark. Code Ann. §11-9-704(c)(1) (Repl. 2012). Objective findings are those findings which cannot come under the voluntary control of the patient. Ark. Code Ann. §11-9-102(16)(A)(i) (Repl. 2012).

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) (Repl. 2012). “Major cause” means “more than fifty percent (50%) of the cause,” and a finding of major cause shall be established according to a preponderance of the evidence. Ark. Code Ann. §11-9-102(14) (Repl. 2012).

Preponderance of the evidence means the evidence having greater weight or convincing force. *Metropolitan Nat'l Bank v. La Sher Oil Co.*, 81 Ark. App. 269, 101 S.W.3d 252 (2003).

Here, the Claimant did not offer persuasive testimony proving her entitlement to any additional medical treatment for her compensable injuries of December 4, 2017. Nor did she offer any medical documentation or probative evidence recommending additional medical treatment for her compensable injuries of December 4, 2017. Under these circumstances, I am compelled to find that the Claimant failed to prove by a preponderance of the evidence her entitlement to any additional medical treatment for her compensable injuries sustained in December 2017.

Regarding an additional impairment rating for her right shoulder, the Claimant has offered no objective medical findings to support her claim for an additional impairment rating. Her sole complaint is pain. Pain is subjective in nature and does not constitute an objective medical finding sufficient to increase her impairment rating for her shoulder to anything above the 4%, previously accepted and paid by the Respondents.

ORDER

Based on the foregoing Conclusions and Findings of Facts, this claim for additional benefits is hereby denied and dismissed in its entirety.

IT IS SO ORDERED.

CHANDRA L. BLACK
ADMINISTRATIVE LAW JUDGE