BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H501743

RODERICK R. BOLTON, EMPLOYEE	**CLAIMANT**
DOLLAR GENERAL STORE, SELF-INSURED EMPLOYER	**RESPONDENT**
SEDGWICK CLAIMS MGMT. SERVICES, INC., TPA	**RESPONDENT**

OPINION FILED OCTOBER 28, 2026

Hearing before Administrative Law Judge, Steven Porch, on September 15, 2026, in Little Rock, Pulaski County, Arkansas.

Claimant was represented by Ms. Evelyn E. Brooks, Attorney at Law, Fayetteville, Arkansas.

Respondents were represented by Ms. Melissa Wood, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A full hearing was held on this claim on September 15, 2026. A prehearing telephone conference took place on July 8, 2026. A prehearing order was entered on that date and subsequently entered into evidence as Commission Exhibit 1, with amendments[1]. The parties' stipulations are set forth.

STIPULATIONS

By agreement of the parties, the stipulations applicable to this claim are as follows:

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

2. An employer/employee/carrier relationship existed among the parties on or about February 24, 2025, when Claimant allegedly sustained a compensable injury to his left knee.

3. The Respondents Initially accepted the claim for his left knee as medical only, and some benefits have been paid. The Respondents denied the claim in its entirety on April 8, 2025.

[1] The parties stipulated to $903.00 for Temporary Total Disability benefits and $677.00 for Permanent Partial Disability benefits on record. Issue number 2 was amended to reflect a "left knee" instead of a "spine" since the spine is not an issue in this matter. Issue number 3 was amended from "a date to be determined" to "April 27, 2025". These amendments were granted and integrated into this opinion.

4. The Claimant's compensation rates are $903.00 for Temporary Total Disability (TTD) and $677.00 for Permanent Partial Disability (PPD) benefits.

ISSUES

The parties have identified the following issues to be adjudicated:

1. Whether Claimant sustained a compensable injury to his left knee by specific incident on or about February 24, 2025.

2. Whether Claimant is entitled to reasonable and necessary medical treatment for his left knee, along with related expenses and mileage.

3. Whether Claimant is entitled to TTD benefits from February 25, 2025, to April 27, 2025.

4. Whether Claimant's attorney is entitled to a controverted attorney's fee.

All other issues are reserved.

CONTENTIONS

Claimant contends:

That he is entitled to medical treatment and to temporary total disability benefits from February 25, 2025, to a date yet to be determined. Claimant reserves all other issues.

Respondents contend:

That Claimant did not suffer a compensable injury on February 24, 2025, or at any other time while working for Dollar General. Though the claim was initially accepted as a compensable medical only claim, it was denied in its entirety on April 8, 2025. There was no injury in the course and scope of Claimant's employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Therefore, after a thorough consideration of the facts, issues, the applicable law, and the evidentiary record, 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. The stipulations set forth above are reasonable and are hereby accepted.

3. The Claimant has not proven that he has sustained a left knee injury with objective findings by specific incident.

4. Based on my findings of no compensability, the remaining issues of reasonable and necessary medical treatment, and temporary total disability benefits, and controverted attorney's fee are moot and will not be addressed in this opinion

CASE IN CHIEF

Summary of Evidence

The record is made up of Claimant's Exhibit 1, medical records, consisting of 42 pages, Claimant's Exhibit 2, flash drive (video), report, and correspondence, that consists of 4 pages, Respondents' Exhibit 1, medical records, that consist of 3 pages, and Commission Exhibit 1, Pre-Hearing Order filed July 8, 2026, that consists of 6 pages, with amendments. Claimant and Respondents' post-hearing briefs will be blue-backed and made a part of the evidentiary record. The Claimant was the only witness testifying at the full hearing.

Claimant was employed as a truck driver for the Respondent/Employer. On February 24, 2025, the Claimant's foot slipped when attempting to exit out the trailer of his truck causing him to fall out the trailer and land awkwardly on his feet. TR-14-16, 33-38. The Claimant testified that the awkward landing resulted in immediate pain to his left leg. *Id*. The Claimant stated that his

pain level was an 8 out of 10. *Id*. The Claimant further testified that he could feel his bone moving around in that leg. *Id*. A video of the alleged incident was presented for purposes of showing how the incident occurred. CL. Ex. 2, Flash Dive. However, though the video depicted the Claimant opening then entering his truck trailer it does not show him exiting the trailer. *Id*. The video appears to abruptly skip to where the trailer was closed. *Id*.

The Claimant testified, despite his immediate pain and his leg feeling like the bone was moving around, that he drove his truck and made deliveries for the next five days without reporting his alleged injury to his supervisor. TR-20-22, 33-36. The Claimant also testified that his knee had gotten progressively worse during those five days of deliveries and that he was in excruciating pain. TR-41-43. Despite the increased pain, the Claimant did not report his injury to his supervisor until his supervisor called him concerning another job. *Id*. and TR-20-22. Claimant's employer then sent Claimant to Concentra for an evaluation. TR-20-22.

On March 4, 2025, Claimant goes to Concentra and sees Dr. Abhijay Karandikar, concerning his left leg. CL. Ex. 1, pp. 1-8. Dr. Karandikar notes that Claimant's left knee appears with "no deformity, …no dislocation and no ecchymosis and swelling." *Id*. Dr. Karandikar further noted that the Claimant had full range of motion in his knee and assessed Claimant with a left knee strain. *Id*. Moreover, an x-ray was also done on March 4, 2025, noting, "No acute fracture or dislocation. Degenerative joint disease." *Id*. The Claimant was prescribed Diclofenac Potassium 50MG, physical therapy, a knee brace, and knee gel for pain. *Id*. An MRI was also taken by Radiology Associates, P.A. on March 31, 2025, of Claimant's left knee that revealed:

1. The anterior cruciate ligament is not well visualized, likely chronically torn.
2. Complex tears of the medial and lateral menisci with maceration.
3. Full-thickness chondral loss along the weightbearing surface of the lateral femoral condyle and lateral tibial plateau.

4. Full-thickness chondral loss along the medial femoral condyle with subchondral cystic change.
5. Large knee joint effusion with moderate-sized Baker's cyst.
6. Mucoid degeneration of the posterior cruciate ligament.

CL. Ex. 1, pp. 35-37.

A study of that MRI was conducted by Authentic4D on February 16, 2026, that found:

1. Chronic appearing complete ACL tear.
2. Complex medial and lateral meniscal tears.
3. Tricompartmental cartilage loss, most severe in the medial and lateral compartments.
4. Large osteophytes throughout the joint.
5. Large knee joint effusion. Moderate-sized Baker's cyst.

Resp. Ex. 1, pp. 1-2.

The MRI report also noted "No acute injury identified." *Id*. Dr. Karandikar reviewed Claimant's MRI and acknowledged that there were tears in Claimant's lateral and medial meniscus of his left knee. CL. Ex. 1, p. 40. He further stated that these tears were "unspecified whether old or current." *Id*. Dr. Karandikar discussed with Claimant that some changes on his MRI are "chronic and long standing, more likely than not." *Id*. Soon after the completion of the MRI, the Respondents denied compensability and further treatment. TR-20-22. Once benefits had ended the Claimant later began driving for 10 Roads, a trucking company, until they went out of business then he moved on to Steven's Trucking. The Claimant believes he has a compensable injury. The Respondents disagree.

Adjudication

A. Whether Claimant sustained a compensable injury to his neck, left hip, and bilateral knees by specific incident.

Under Arkansas Code Annotated § 11-9-102(4)(A)(i) (Repl. 2012), which I find applies to the analysis of Claimant's alleged injuries, defines "compensable injury":

> (i) An accidental injury causing internal or external physical harm to the body . . . arising out of and in the course of employment and which requires medical services or results in disability or death. An injury is "accidental" only if it is caused by a specific incident and is identifiable by time and place of occurrence[.]

A compensable injury must be established by medical evidence supported by objective findings. Ark. Code Ann. § 11-9-102(4)(D) (Repl. 2012). "Objective findings" are those findings that cannot come under the voluntary control of the patient. *Id*. § 11-9-102(16). The element "arising out of . . . [the] employment" relates to the causal connection between the claimant's injury and his or her employment. *City of El Dorado v. Sartor*, 21 Ark. App. 143, 729 S.W.2d 430 (1987). An injury arises out of a claimant's employment "when a causal connection between work conditions and the injury is apparent to the rational mind." *Id*.

If the Claimant fails to establish by a preponderance of the evidence any of the requirements for establishing compensability, compensation must be denied. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997). This standard means the evidence having greater weight or convincing force. *Barre v. Hoffman*, 2009 Ark. 373, 326 S.W.3d 415; *Smith v. Magnet Cove Barium Corp*., 212 Ark. 491, 206 S.W.2d 442 (1947).

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*.

I find by the preponderance of the evidence that the Claimant was involved in a specific work-related incident. A video was introduced into evidence where the Claimant is seen exiting his truck, walking around to the back of his truck, open the trailer doors, and enter the trailer with the security guard waiting outside of the trailer. CL. Ex. 2, video. After one minute and forty seconds has elapsed, the video appears to skip to where the truck trailer was closed, not showing when Claimant exited the trailer in the slip and fall way, he testified. *Id*. and TR-28-30, 33-36. The Respondents explanation for the missing footage was that they were not the counsel of record when Claimant's obtained the footage and that the video speaks for itself. TR-10-11.

Claimant's arguments concerning the missing footage is one, as I interpret it, for spoliation. Spoliation is defined as the intentional destruction of evidence. When spoliation is established, the fact-finder may draw an inference that the evidence destroyed was unfavorable to the party responsible for its spoliation. *See Goff v. Harold Ives Trucking Co., Inc.,* 27 S.W.3d 387 (2000); *Rodgers v. CWR Construction, Inc*. 343 Ark. 126, 33 S.W.3d 506 (2000). I find by the preponderance of the evidence that the Respondents intentionally destroyed the key footage before turning it over to the Claimant. True, current Respondents' counsel was not a part of that initial discovery request involving the video. Nevertheless, new representation does not wipe away this discovery violation, especially when it has not been corrected. Applying this concept of spoliation, which I find applies here, leads to the conclusion that the video was unfavorable to the Respondents and supports the Claimant's testimony. Moreover, I credit Claimant's testimony as to how he exited the trailer on or about February 24, 2025. Thus why, I find by the preponderance of the evidence that the Claimant was involved in a specific work-related incident when he slipped and fell out of his truck trailer and landed on his feet in an awkward manner.

However, despite the Claimant being involved in a specific work-related incident, he has not proven by the preponderance of the evidence that he had sustained a compensable injury to his left knee with objective findings. The Claimant points to an MRI that reveal only degenerative findings regarding Claimant's knee, not new injuries. CL Ex. 1, pp. 36-37, 40, Resp. Ex. 1, pp. 1-2. Claimant argues that since he now feels pain in his left knee that he should now be compensated because his work-related incident aggravated his degenerative knee condition to the point that he now feels pain. TR-47-50. However, pain is subjective, and the law requires objective findings to prove compensability. Ark. Code Ann. § 11-9-102(4)(D) (Repl. 2012). "Objective findings" are those findings that cannot come under the voluntary control of the patient. *Id*. § 11-9-102(16). Pain comes under the control of the Claimant. Though there is evidence of swelling in the left knee, I find by the preponderance of the evidence that it is the nature of his degenerative condition of his knee for it to swell, and that swelling is not the result of a work -related knee injury, rather a pre-existing condition. The Claimant testified to stiffness in his left knee before his work-related incident. TR-28-30. I do believe there was stiffness, but I also believe there was accompanying swelling. Thus, Claimant has failed to prove by the preponderance of evidence that he has sustained a compensable injury with objective findings. Therefore, Claimant's claim must fail. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997).

MISCELLANEOUS ISSUES

Based on my previous findings of no compensability in this opinion, the issues regarding reasonable and necessary medical treatment, temporary total disability benefits, and a controverted attorney's fee are moot and will not be addressed in this opinion.

CONCLUSION

In accordance with the Findings of Fact and Conclusions of Law set forth above, the parties shall act consistent with this opinion.

IT IS SO ORDERED.

_____
Hon. Steven Porch
Administrative Law Judge