

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H503667**

RODNEY CARVER, EMPLOYEE

CLAIMANT

vs

KOHLER COMPANY, SELF-INSURED EMPLOYER

RESPONDENT

CORVEL ENTERPRISE CLAIMS, INC., TPA

RESPONDENT

AMENDED OPINION FILED 3 MARCH 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 4 December 2025 in Little Rock, Arkansas.

The claimant appeared *pro se*.

Mr. Jarrod Parrish, Worley, Wood & Parrish, PA, appeared on behalf of the respondents.

I. STATEMENT OF THE CASE

A Prehearing Order was filed on 18 September 2025 and admitted to the record as Commission's Exhibit No 1. The parties agreed to the following Stipulations at the hearing:

STIPULATIONS

1. The Arkansas Workers' Compensation Commission (the Commission) has jurisdiction over this claim.
2. Employee/self-insured employer/TPA relationship existed at all relevant times, including on or about 15 July 2024.
3. At the relevant time, the claimant was earning an average weekly wage of \$939.12, which would entitle him to weekly benefits¹ of \$626 for temporary total disability (TTD) and \$470 for permanent partial disability (PPD).
4. The respondents have controverted this claim in its entirety.

¹ The Opinion originally filed on 27 February 2026 included a scrivener's error relating to the listed benefit amounts. There are no substantive changes in this Amended Order.

ISSUES TO BE LITIGATED

1. Whether the claimant sustained a compensable back injury by specific incident on or about 15 July 2024.
2. Whether the claimant is entitled to TTD benefits from 14 February 2025 to a date yet to be determined.

All other issues are reserved.

CONTENTIONS

The parties' Contentions are set out in their respective Prehearing Questionnaire responses:

Claimant

My lead supervisor moved me to a different department where I was given a task of pulling a pallet around the warehouse. The pallet jack needs to be pulled and different parts need to be uploaded by hand. While doing this I hurt my back.

Respondent

Respondents maintain that claimant did not suffer a compensable injury on or about July 15, 2024, or at any other time while working for Respondents. In the event compensability is established, Claimant has not established entitlement to additional medical or temporary total disability benefits. Respondents assert a lack of notice until April 3, 2025. Therefore, in the event compensability can be established, Respondents' liability for benefits cannot start before that date. To the extent Claimant has drawn short term or long-term disability benefits, and to the extent Respondents have paid all or some of the premium for that coverage, Respondents assert a credit.

The Respondents reserve the right to raise additional contentions, or to modify those stated herein, pending the completion of discovery.

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 witnesses, observing their 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 he suffered a compensable injury to his back by specific incident.
4. Because the claimant has failed to prove a compensable injury, the remaining issues are moot and will not be addressed in this Opinion.

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 testified on his own behalf at the hearing. The respondents called Mr. Phillip Cantrell, Mr. Al "Dino" Morris, and Ms. Lekeisha Adams as witnesses. The record consists of the hearing transcript and the following exhibits: Commission's Exhibit No 1 (the 18 September 2025 Prehearing Order); Respondents' Exhibit No 1 (one index page and 72 pages of medical records); and Respondents' Exhibit No 2 (one index page and 16 pages of non-medical records).

Claimant's Testimony

The claimant is a 44-year-old man who began working for the respondent-employer Kohler on 31 October 2023. He worked primarily in the assembly plant putting together faucet components. He testified that he was working as extra help for overtime on 15 July 2024 when he hurt his back while moving product with a pallet jack. He made no attempt to report any injury. Unaware of any alleged workplace injury, his supervisor sent him home without incident once the extra work was completed.

According to his testimony, the claimant continued going to work per usual until going to see his primary care physician (PCP) Dr. Kimberly Golden at the end of August 2024 for his “unbearable” back pain. [TR at 19.] Dr. Golden prescribed some medication and completed some paperwork for a light-duty accommodation at work. He then continued working until Dr. Golden took him off work in February of 2025. He has not since returned to work and eventually received notice of his termination on 19 July 2025.

At his deposition before the hearing, the claimant testified that he had no history of back problems before his alleged workplace injury. On cross-examination, however, he acknowledged that his medical records showed him seeking treatment for back pain as recently as April, May, and December of 2023. He also acknowledged other inconsistencies regarding his supposed date of injury and cause(s) of injury in his disability application paperwork.

Respondents' Witness Mr. Phillip Cantrell

Mr. Cantrell testified that he was a supervisor at Kohler around the time that the claimant alleges that he was injured on the job. He denied any specific recollection of 15 July 2024 but stated that the claimant never reported a workplace injury to him.

Respondents' Witness Mr. Al "Dino" Morris

Mr. Morris testified that he, too, was a supervisor at Kohler around the time that the claimant alleges that he was injured on the job. He, too, denied any specific recollection of 15 July 2024 but stated that the claimant never reported a workplace injury to him.

Respondents' Witness Ms. Lekeisha Adams

Ms. Adams testified that she is the Environmental Health and Safety Program Manager at Kohler. She stated that new employee orientation, which the claimant participated in, includes information about the process for reporting workplace injuries. According to her testimony, she became aware of the claimant's alleged workplace injury in March of 2025 after he applied for short-term disability indicating the same. She began an investigation of his claim. When she first asked the claimant about his alleged incident and/or injury, he was unable to recall when he might have hurt himself. He later offered an explanation for injuring himself in another location outside of the building where he was working on the day of his alleged injury. She also testified that the claimant was not actually at work on the day he alleges his injury to have occurred.

Medical Records

The claimant did not offer any medical evidence into the record to support his claim.

DISCUSSION

The respondents have controverted this claim in its entirety. The initial matter in this claim is whether the claimant sustained a compensable injury by specific on 15 July 2024. To prove a compensable injury by specific incident, he must establish four (4) factors by a preponderance of the evidence: (1) the injuries arose out of and in the course of his employment; (2) the injuries caused internal or external harm to the body that required medical services or resulted in disability or death; (3) the injuries are established by medical evidence supported by objective findings, which are those findings which cannot

come under the voluntary control of the patient; and (4) the injuries were caused by a specific incident identifiable by time and place of occurrence. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997). "Objective findings" are those findings which cannot come under the voluntary control of the patient. Ark. Code Ann. § 11-9-102(16)(A)(i). The requirement that a compensable injury must be established by medical evidence supported by objective findings applies only to the existence and extent of the injury. *Stephens Truck Lines v. Millican*, 58 Ark. App. 275, 950 S.W.2d 472 (1997).

The employee has the burden of proving by a preponderance of the evidence that he sustained a compensable injury. Ark. Code Ann. § 11-9-102(4)(E)(i). 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). If a claimant fails to establish by a preponderance of the evidence *any* of the requirements for establishing a compensable injury, compensation must be denied. *Mikel, supra*.

The claimant has failed to prove by a preponderance of the evidence that he sustained a compensable injury by specific incident on 15 July 2024. First, he was not a credible witness. When confronted with records that contradicted prior sworn testimony, the claimant was forced to acknowledge that he was previously untruthful about not having a history of complaints of back pain. Similarly, he offered little to account for his supposed date of injury being inconsistent across different forms. Lastly, he impliedly conceded to the flimsiness of his version of events when he made no attempt to question Ms. Adams around her testimony that he was not even working on the day of his alleged injury.² Having

² I am mindful that an employee's possible confusion around the specific moment an injury occurs is not necessarily fatal to his claim, so long as the time and place of injury are *identifiable*. In *Pulaski County Special Sch. Dist. v. Laster*, 2015 Ark. App. 206; 465 S.W.3d 421; 2015 Ark. App. LEXIS 262, our Court of Appeals explained:

observed his testimony and reviewed the record evidence, I do not find the claimant to be credible. See *Van Wagner, supra*.

The claimant's credibility troubles aside, he also failed to offer any medical evidence into the record to support his claim. And he admittedly made no effort to make a report of an injury around the time he claims to have hurt himself. The respondents, conversely, offered medical records to show that the claimant had an established history of seeking evaluation and treatment for back pain. On 24 April 2024, for example, his PCP ordered an MRI because the claimant reportedly presented to an emergency department after his back "went out" while he was folding clothes. [Resp. Ex. No 1 at 10.] He eventually sought his PCP's assistance in making a claim for disability, and she indicated that he injured himself on 9 February 2025 (versus 15 July 2024, as he claims here) while "reaching and turning, standing long periods, pulling" while "at work." [Resp. Ex. No 1 at 71.]

The record simply lacks credible testimony and is devoid of objective medical findings in support of this claim. The claimant has, therefore, failed to prove by a preponderance of the evidence that he sustained a compensable injury by specific incident.

Because the claimant has failed to prove a compensable injury, the other issues in this claim are moot and will not be addressed in this Opinion.

"An injury is 'accidental' only if it is caused by a specific incident and is identifiable by time and place of occurrence[.]" Ark. Code Ann. § 11-9-102(4)(A)(i). In *Edens v. Superior Marble & Glass*, our Supreme Court held that "identifiable by time and place" meant subject to identification and did not require the claimant to specify the exact time of the occurrence. 346 Ark. 487, 492, 58 S.W.3d 369, 373 (2001). A claimant's inability to specify the exact date and the precise time of the accidental injury is a credibility issue that the Commission may weigh. *Pafford Med. Billing Servs., Inc. v. Smith*, 2011 Ark. App. 180, 381 S.W.3d 921. Still, [Claimant] must show a causal relationship between his employment and the injury. *Wal-Mart Stores, Inc. v. Westbrook*, 77 Ark. App. 167, 72 S.W.3d 889 (2002).

But here, after Ms. Adams testified that the claimant was not even working on the day of his alleged injury, he made no effort to explain in the alternative how and when he may have injured himself while at work.

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IV. CONCLUSION

Consistent with the Findings of Fact and Conclusions of Law, this claim for initial benefits is DENIED and DISMISSED.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE