

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H301493

JANICE CASEY, Employee	CLAIMANT
CONWAY REGIONAL MEDICAL CENTER, Employer	RESPONDENT
RISK MANAGEMENT RESOURCES, Carrier	RESPONDENT

OPINION FILED FEBRUARY 14, 2024

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in Russellville, Pope County, Arkansas.

Claimant represented by EDDIE H. WALKER, JR., Attorney, Fort Smith, Arkansas.

Respondents represented by CAROL LOCKARD WORLEY, Attorney, Little Rock, Arkansas.

STATEMENT OF THE CASE

On January 18, 2024, the above captioned claim came on for hearing at Russellville, Arkansas. A pre-hearing conference was conducted on October 25, 2023, and a pre-hearing order was filed on that same date. A copy of the pre-hearing order has been marked as Commission's Exhibit #1 and made a part of the record without objection.

At the pre-hearing conference the parties agreed to the following stipulations:

1. The Arkansas Workers' Compensation Commission has jurisdiction of the within claim.
2. The employee/employer/carrier relationship existed among the parties on February 21, 2023.
3. The claimant was earning sufficient wages to entitle her to compensation at

the maximum rates.

At the pre-hearing conference the parties agreed to litigate the following issues:

1. Compensability of injury to claimant's head and brain on February 21, 2023.
2. Temporary total disability benefits from February 22, 2023 through a date yet to be determined.
3. Attorney's fee.

The claimant contends that as a result of her fall which occurred while she was performing employment services she sustained injury to her head and brain. The claimant contends that since the cause of the fall is unexplained, the resulting injuries are compensable. The claimant contends that she is entitled to temporary total disability benefits from February 22, 2023 to a date yet to be determined and reasonably necessary medical treatment. The claimant contends that her attorney is entitled to an appropriate attorney's fee.

The respondents contend that claimant's injury was idiopathic in nature and, thus, not compensable under the Arkansas Workers' Compensation Act. Respondents further contend that in the event compensability is found, the medical documentation does not support entitlement to indemnity benefits associated with a compensable injury.

From a review of the record as a whole, to include medical reports, documents, and other matters properly before the Commission, and having had an opportunity to hear the testimony of the witnesses and to observe their demeanor, the following findings of fact and conclusions of law are made in accordance with A.C.A. §11-9-704:

### FINDINGS OF FACT & CONCLUSIONS OF LAW

1. The stipulations agreed to by the parties at a pre-hearing conference conducted on October 25, 2023 and contained in a pre-hearing order filed that same date are hereby accepted as fact.

2. Claimant has failed to prove by a preponderance of the evidence that she suffered a compensable injury to her head and brain on February 21, 2023.

### FACTUAL BACKGROUND

The claimant worked for respondent in a lab area. On February 21, 2023, she was at work when she had a syncopal episode and fell, injuring her head. Claimant was taken to the emergency room at St. Mary's in Russellville before being air flighted to Baptist Health in Little Rock. Claimant has been diagnosed with a skull fracture with hemorrhage.

After her initial treatment and hospitalization, she has treated with neurology at Baptist and with her primary care physician, Jessica McNeese. Medical records from McNeese were introduced into the record, but not the medical records of Baptist Neurology. Claimant has not returned to work for respondent or for any other employer since the accident.

Claimant has filed this claim contending that she suffered a compensable injury to her head and brain as a result of the accident on February 21, 2023. She requests payment of related medical, temporary total disability benefits, and a controverted attorney fee.

### ADJUDICATION

Claimant has the burden of proving that her injury was the result of an accident

that arose in the course of her employment, and that it grew out of, or resulted from the employment. *Moore v. Darling Store Fixtures*, 22 Ark. App. 21, 732 S.W. 2d 496 (1987). “Arising out of the employment” refers to the origin or cause of the accident, while “in the course of the employment” refers to the time, place and circumstances under which the injury occurred. *Little Rock Convention & Visitors Bureau v. Pack*, 60 Ark. App. 82, 959 S.W. 2d 415 (1997).

Respondent contends that claimant’s syncopal episode was idiopathic and not compensable. Claimant contends that the syncopal episode was unexplained and compensable. An idiopathic injury is one whose cause is personal in nature or peculiar to the individual. *Crawford v. Single Source Transportation*, 87 Ark. App. 216, 189 S.W. 3d 507 (2004). Injuries sustained due to an unexplained cause are different from injuries where the cause is idiopathic. *Id.* at 220-21, 189 S.W. 3d at 510. When a claimant suffers an unexplained injury at work, it is generally compensable. *Id.* at 221, 189 S.W. 3d at 510. Because an idiopathic injury is not related to employment, it is generally not compensable unless conditions related to the employment contribute to the risk. *Id.* Employment conditions that may contribute to the risk or aggravate the injury include placing the employee in a position that increases the dangerous effect of a fall, such as a height, near machinery or sharp corners, or in a moving vehicle. *Id.*, 189 S.W. 3d at 510.

In this case, the events of the night before (2/20/23) and early morning hours (2/21/23) are relevant. Testifying at the hearing was William Casey, claimant’s husband of five years. He testified that around midnight he found claimant in the bathroom sitting on the toilet. Claimant informed him that she had been constipated but finally had a bowel

movement. Claimant also indicated that she was nauseous due to the smell. According to Casey, claimant did not have diarrhea and did not vomit that night.

Likewise, claimant testified that her stomach was cramping around midnight on February 21, 2023, and that she was constipated. She also testified that she was nauseous due to the smell but did not vomit or faint that night. Claimant further testified that she did not feel sick or ill when she went to work on February 21, 2023, and that she did not vomit after she arrived at work that day.

The medical records contain a history significantly different from the testimony of claimant and her husband. The initial medical record from the emergency room at St. Mary contains the following history:

Patient was and had episode of fall with hitting her head patient having nausea and vomiting. Patient complaining of severe headache. Patient has seizure-like activity after she hit her head. Husband states patient had episode of nausea and vomiting which happened last night. And this morning at work patient had nausea vomiting and diarrhea as well. (Emphasis added.)

After her initial treatment at the emergency room, claimant was air flighted to Baptist in Little Rock. The Baptist emergency room record contains the following history:

Janice M. Casey is a 57 y.o. female that presents to the ED via transfer from St. Mary's for evaluation after a fall this morning. Per EMS and pt records, the patient was at work when she had a syncopal episode. She fell from standing and hit her head on the hard tile floor with reported seizure like activity after. The patient was sick with nausea and vomiting last night. Patient is slightly confused but able to answer questions. (Emphasis added.)

Also on February 21, 2023, claimant was evaluated by Dr. Timothy Burson for a

neurosurgical consult. His report contains the following history:

Pt by report fell at work and struck her head. Said she had a “stomach virus” the night before with a lot of vomiting. Felt faint and passed out. Remembers falling then people standing over her. Complains of a headache. Pain at site where she hit her head.

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57-year-old female was at work feeling fine stood up had some groin pain nonspecific abdominal pain fell and struck her head. Transferred from St. Mary’s Hospital after a ground-level fall. The patient was at work she had a syncopal episode and fell from standing, hit her head on a hard floor. There was apparently seizure activity afterwards. Patient slightly confused but able to answer questions. (Emphasis added.)

Both William Casey and claimant have attempted to explain away these inconsistencies. William Casey testified that claimant’s sister was present when he arrived at the hospital and he informed her that claimant was constipated the night before. Casey also testified that he doesn’t recall having any conversations with the medical providers at the hospital, but indicated that he never told anyone that claimant was vomiting. With respect to the references in the medical records regarding nausea and vomiting prior to the fall, he stated:

Q Okay. You realize in the medical records there is multiple references to claimant being nauseous and vomiting prior to her fall. Are you aware of that?

A Somebody assumed that their own self.

However, as previously noted, the initial emergency room report specifically states:

Husband states patient had episode of nausea and vomiting which happened last night. (Emphasis added.)

Claimant testified that she does not remember anything that happened at the hospital and does not remember talking to the doctors or the nurses. She did not know where the information in the medical history came from.

After having the opportunity to observe the witnesses and consider their testimony, I do not find the testimony persuasive with regard to the medical history. The initial medical history clearly states that William Casey stated that claimant had an episode of nausea and vomiting the night before. It also indicates that claimant had nausea, vomiting and diarrhea that morning at work. Likewise, the emergency room report from Baptist indicates that claimant had been sick with nausea and vomiting the night before. Finally, the report of Dr. Burson who performed a neurosurgical consult specifically stated in his history:

Said she had a “stomach virus” the night before with a lot of vomiting. Felt faint and passed out.

Given the specificity of the reports indicating that William Casey gave a history of nausea and vomiting the night before and that claimant gave the history of a “stomach virus” the night before with “a lot of vomiting”, I do not find that these statements are the result of medical providers assuming histories that they were not given or that they were somehow based on misinterpretations. In short, I see no reason not to give credence to the histories contained in the medical records.

That history indicates that claimant was suffering from nausea with vomiting and diarrhea the night before February 21, 2023. It also indicates that claimant had diarrhea and vomiting at work that morning.

Based upon the evidence presented, particularly the histories contained in the

medical records, I find that claimant's syncopal episode was idiopathic in nature and not the result of her employment with respondent. Claimant specifically testified that she walked over to her desk to input information into a computer when she simply passed out:

Q And then you passed out?

A Yes.

Claimant admitted that she did not trip over anything; did not inhale or ingest anything that would have made her pass out or faint; and that there was no work-related cause that she could identify that made her lose consciousness. Instead, her testimony indicates that something in her body caused her to pass out.

Q Something went wrong with your body and it shut down. Do you agree with that?

A Correct.

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Q So did you experience some odd sensation or feeling coming over your body before you went out?

A I did.

This is also noted in the history contained in Dr. Burson's neurological consultation report which states:

57-year-old female was at work feeling fine stood up had some groin pain nonspecific abdominal pain fell and struck her head.

Finally, I note that on March 5, 2023, claimant completed Form AR-N. When asked to briefly discuss the cause of injury claimant indicated:

I had just drew blood from a patient went to my desk, had tinkling feeling from feet to chest and then next thing I



remember is hearing Cindy and Dr. Walker and in terrible pain from my head where I made contact with the floor. (Emphasis added.)

Based on the totality of the evidence, I find that claimant's syncopal episode was idiopathic in nature. The medical records indicate a history of diarrhea and vomiting the night before and the morning of the syncopal episode. Claimant's testimony indicates that immediately prior to this episode she felt an odd sensation or feeling. Dr. Burson's medical report indicates "some groin pain nonspecific abdominal pain". And in her Form AR-N, claimant described a "tinkling feeling from feet to chest". Notably, there is no evidence linking the syncopal episode to her job activities with respondent as opposed to an idiopathic incident.

Even if a claimant suffers an idiopathic injury it may still be compensable if employment conditions contribute to the risk or aggravate the injury by placing the employee in a position that increases the dangerous effect of a fall, such as a height, near machinery or sharp corners, or in a moving vehicle. *Crawford v. Single Source Transportation*, 87 Ark. App. 216, 189 S.W. 3d 507 (2004).

Claimant testified that in her addition to her desk, there is a filing cabinet, a chair, another desk, and a refrigerator. Although there was some question regarding what she may have struck when she fell, claimant admitted that she did not know what happened and does not know if she hit her head on anything.

Q Since you are familiar with the lab and the configuration of the lab and the objects in the lab, have you reached a conclusion in regard to what you believe happened?

A No, sir. I just don't know what happened to me.

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Q And you told me under oath you could not testify that you hit your head on anything?

A I don't recall hitting my head because I was passed out.

Accordingly, it would require speculation and conjecture to find that claimant struck her head against her desk or any other piece of furniture that day. Speculation and conjecture are not to be substituted for credible evidence by the Commission. *Dena Construction Co. v. Herndon*, 264 Ark. 791, 796, 575 S.W.2d 155 (1979). Therefore, I do not find that claimant's employment conditions contributed to the risk or aggravated her injury by placing her in a position that increased the effects of a fall.

### ORDER

Claimant has failed to prove by a preponderance of the evidence that she suffered a compensable injury to her head or brain while employed by respondent on February 21, 2023. Therefore, her claim for compensation benefits is hereby denied and dismissed.

Respondents are responsible for payment of the court reporter's charges for preparation of the hearing transcript in the amount of \$611.65.

IT IS SO ORDERED.

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GREGORY K. STEWART  
ADMINISTRATIVE LAW JUDGE