

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H403662

JAMES L. CHAPMAN, EMPLOYEE

CLAIMANT

**WHITE RIVER HEALTH SYSTEM, INC.
EMPLOYER**

RESPONDENT

**SI ADMINISTRATOR/RISK MANAGEMENT
RESOURCES, INSURANCE CARRIER/TPA**

RESPONDENT

OPINION FILED JANUARY 15, 2025

Hearing before Administrative Law Judge, James D. Kennedy, on the 4th day of December 2024, in Batesville, Arkansas.

Claimant is Pro Se.

Respondents are represented by Casey Castleberry, Attorney at Law, Batesville, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on the 4th day of December 2024, to determine the issue of additional reasonable and necessary medical treatment and temporary total disability from May 25, 2025, to a date to be determined. A copy of the Pre-hearing Order dated October 1, 2024, was marked "Commission Exhibit 1" and made part of the record without objection. The Order provided that the parties stipulated as follows:

1. The Arkansas Workers' Compensation Commission has jurisdiction of the within claim.
2. An employer/employee/carrier relationship existed on May 23, 2024, when the claimant sustained a compensable injury to his right ring finger.
3. Respondents have accepted the claim as a compensable medical only claim and have paid \$1,128.55 in medical expenses
4. The claimant earned an hourly wage of \$13.39 and worked a forty (40) week.

The claimant's and respondent's contentions were set out in their respective responses to the Pre-hearing questionnaire and made a part of the record without objection. The claimant contends that he was performing his job duties on May 23, 2024, sterilizing and cleaning a sink area in the operating room, when he wiped downward, and severely sliced his ring finger on his dominant hand. He further contended that he was wrongfully terminated due to filing a workers' compensation claim on May 25, 2024, and had been unemployed from that date until a date to be determined. The respondent's contended that the claimant's injury on May 23, 2023, was transitory and temporary and that he was released to return to work on May 25, 2024. The claimant's current problems, if any, were not causally related to his compensable injury of May 23, 2024. Respondent has accepted the claim as a compensable medical expense only claim and contend that no further benefits are owed to the claimant.

The sole witness to testify was the claimant, James L. Chapman. The claimant did not introduce any documents into the record, but the respondents introduced twenty-one pages of documents into the record without objection, and these documents included the documents that the claimant had brought to the hearing to introduce. From a review of the record as a whole, to include medical reports and other matters properly before the Commission and having had an opportunity to observe the testimony and demeanor of the witness, the following findings of fact and conclusions of law are made in accordance with Ark. Code Ann. 11-9-704.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.

2. That an employer/employee/carrier relationship existed on May 23, 2024, when the claimant sustained a compensable injury to his right ring finger which the respondents accepted as medical only.
3. The claimant earned an average hourly wage of \$13.39 and worked a forty (40) hour week.
4. The respondents have paid the sum of \$1,128.55 in medical expenses.
5. That the claimant has failed to satisfy the required burden of proof to prove by a preponderance of the evidence that additional medical treatment is reasonable and necessary for the compensable ring finger wound.
6. That the claimant has failed to satisfy the required burden of proof to prove by a preponderance of the evidence that he is entitled to temporary total disability from May 25, 2024, to a date to be determined.

REVIEW OF TESTIMONY AND EVIDENCE

The claimant, James L. Chapman, was the sole witness to testify. He testified that he was happy to have been working for the respondent and was performing his duties, wiping down an area, when he sliced his finger “really bad.” He was wiping and sanitizing the sink area where the doctors washed their hands. His job was to turn the operating rooms. “So, I sliced my finger and one of the surgical techs come - - one of my former employees came and butterflyed it. It started bleeding really bad and they wrapped it up, sent me to HR to do the workers’ compensation thing. I went to the emergency room. They put glue, glue in it, gave me a day off, told me to return back to work.” Later after working around water, the glue opened up and I stated I wished that they had stitched it up. He went on to provide that he felt it was impossible to keep his hands dry and he figured he wasn’t getting a fair shake because his primary doctor also worked for the respondent. He felt he needed to go to an outside doctor, so he obtained one in Heber

Springs. He testified that he made an appointment with the doctor and when he told the respondent about the appointment, he was terminated. (Tr. P. 8, 9)

Under cross examination, he admitted injuring his finger on May 23, 2024, and then being seen in the ER on that day. He also admitted that the ER doc gave him a note that released him to return to work on May 25. Sometime after that, he requested a change of physician to a Dr. Henry Wallace in Heber Springs, and an appointment was made for the claimant to see Dr. Wallace on July 11. He further agreed that he did not make the appointment because he couldn't. He went on to testify that he suffered from total disability due to mental and physical impairments under the Social Security Administration. He stated that his mother was killed three days before his birthday and at that time "My mother got killed in front of me, so my body got a funny way of letting me know when that time comes around and I'm going in and out, going in and out. I made the appointment, missed it." "It was when I was a child, so - - And she got raped, murdered right in front of me, you know, so - - three days from my birthday, so that's kind of tough time for me. You guys don't know that you know." (Tr 10, 11)

He admitted that he did not make an effort to change his appointment. He again reiterated that "I go in and out, man, so I required a caretaker, but I had a problem with the caretaker where she could no longer be my caretaker. She took care of my appointments and things of that nature, you know, getting me to my appointments." The claimant wasn't sure if he had seen any other medical professionals in regard to his finger. He agreed that he was actually terminated on June 3. (Tr. 12, 13)

In regard to the documentary evidence, the First Report of Injury provided that the claimant was injured on May 23, 2024, when he cut his finger on a sharp object while

wiping down a sink area. The N Form corresponded to this information. (Resp. Ex. 1, P. 1 - 3) The claimant filed a Form C on or about June 6, 2024, describing his injury as he testified, and stated that he was asking for additional medical, temporary total disability, and attorney fees. (Resp. Ex. 1, P. 6)

A letter from Risk Management dated June 5, 2024, provided that it was their understanding that the claimant did not wish to return to the respondent for treatment and they offered to make the claimant an appointment with a physician that was not affiliated with the respondent. (Resp. Ex. 1, P. 7) A Change of Physician Order to Dr. Henry Wallace was obtained from the Commission, dated the 24th day of June 2024. (Resp. Ex. 1, P. 10, 11) The employer also filed a Form 2, dated June 10, 2024, stating that this was a medical only claim. (Resp. Ex. 1, P. 12)

A White River Health Personnel Report provided that the claimant was given off the day of Friday following his injury. The next day of available work was the following Tuesday and when the claimant did not appear for work, he was contacted and responded saying that he was going through some stuff and needed to speak to workmans' comp before returning to work. The claimant came to work on May 29 and the 30th but left early due to the fact that he had received a ride from another employee. On May 31, he made HR aware that he would not be to work due to the pain becoming extreme in his finger. (Resp. Ex. 1, P. P. 13, 14)

The Patient Registration Form for the claimant on his visit to the respondent's ER on May 23, 2024, provided that the claimant cut his right ring finger while cleaning at work and that he suffered from a simple .5 cm superficial finger laceration, that he was to

keep the area clean and dry, that the Dermabond used to treat the cut would come off on its own, and that he could return to work on May 25, 2024. (Resp. Ex. 1, P. 15 – 21)

DISCUSSION AND ADJUDICATION OF ISSUES

In the present matter, the parties stipulated the claimant sustained a compensable injury to his right ring finger on May 23, 2024. The claimant is therefore not required to establish “objective medical findings” in order to prove that he is entitled to additional benefits. Chamber Door Indus., Inc. v Graham, 59 Ark. App. 224, 956 S.W.2d 196 (1997)

In determining whether the claimant has sustained his required burden of proof, the Commission shall weigh the evidence impartially, without giving the benefit of the doubt to either party. Ark. Code Ann 11-9-704. Wade v. Mr. Cavananugh’s, 298 Ark. 364, 768 S.W. 2d 521 (1989). Further, the Commission has the duty to translate evidence on all issues before it into findings of fact. Weldon v. Pierce Brothers Construction Co., 54 Ark. App. 344, 925 S.W.2d 179 (1996).

The claimant bears the burden of proof in establishing entitlement to benefits under the Arkansas Workers’ Compensation Act and must sustain that burden by a preponderance of the evidence. Dalton v. Allen Engineering Co., 66 Ark. App. 201, 635 S.W. 2d 823 (1982). 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. 263, 101 S.W.3d 252 (2003). Further, pursuant to Ark. Code Ann. 11-9-509 (a), medical benefits owed under the Workers’ Compensation Act are only those that are reasonable and necessary. Employers must promptly provide medical services which are reasonably necessary for treatment of compensable injuries. A.C.A. 11-9-508 (a). However, injured

employees have the burden of proving by a preponderance of the evidence that the medical treatment is reasonably necessary for the treatment of the compensable injury. Owens Plating Co. v. Graham, 102 Ark. App. 299, 284 S.W. 3d 537 (2008). What constitutes reasonable and necessary treatment is a question for the Commission. Anaya v. Newberry's 3N Mill, 102 Ark. App. 119, 282 S.W. 3d 269 (2008). When assessing whether medical treatment is reasonably necessary for the treatment of a compensable injury, we must analyze both the proposed procedure and the condition it is sought to remedy. See Wright Construction Co. v. Randall, 12 Ark. App 358, 676 S.W.2d 750 (1984) Also, the respondent is only responsible for medical services which are casually related to the compensable injury. Treatments to reduce or alleviate symptoms resulting from a compensable injury, to maintain the level of healing achieved, or to prevent further deterioration of the damage produced by the compensable injury are considered reasonable medical services. Foster v. Kann Enterprises, 2019 Ark. App. 746, 350 S.W.2d 796 (2009).

In the present matter, the claimant was seen at the respondent's ER on the day of the incident and the ER records provide that a .5 cm superficial wound was glued shut. He was given the following day off and there were then a few days before he was required to return to work, which he did but not for a full day. He continued to complain with pain and felt that he was not getting a fair shake for his treatment with a physician associated with the respondent, so a Change of Physician Order was obtained and an appointment was made with a physician in Heber Springs. The claimant admitted that he never made the appointment. There was no evidence in the record to recommend either more or a

different type of treatment, with the exception of the claimant's statement where he stated that he should have received stitches for his wound.

Based upon the above evidence and the applicable law, the claimant has failed to satisfy the required burden of proof to prove by a preponderance of the evidence that additional medical treatment is reasonable and necessary for the compensable ring finger wound.

In regard to the issue of temporary total disability regarding the claimant's .5 cm superficial cut to the claimant's ring finger, the treating physician gave the claimant the following day off and told him that he could then return to work. Due to the schedule, the claimant was not required to return to work until a few days later. At that time, he caught a ride into work for a couple of days with another employee but had to leave early because the employee was sent home early for some reason. The claimant felt that he wasn't getting a fair shake with treatment by the physician affiliated with the respondent, so an appointment with an out-of-town physician was set up, but the claimant failed to make the appointment and failed to attempt to set up another appointment.

The claimant contends that he is entitled to temporary total disability from May 25, 2024, to a day to be determined. It appears that suitable work was available with the respondent. A.C.A. 11-9-526 provides that if an injured employee refused employment suitable to his or her capacity offered to or procured for him or her, he or she shall not be entitled to any compensation during the continuance of the refusal, unless in the opinion of the Workers' Compensation Commission, the refusal is justifiable. Suitable employment is a condition precedent to applying Ark. Code Ann. 11-9-526. It is also noted that it is the function of the Commission to determine the credibility of the witnesses and

the weight to be given their testimony. Johnson v. Riceland Foods, 47 Ark. App 71, 844 S.W.2d626 (1994) Furthermore, 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 it deems worthy of belief. Here, the weight of the credible evidence is sufficient to show that suitable employment was in fact available and that a .5 cm superficial cut was not sufficient to prevent the claimant from returning to work. Consequently, the claimant has failed to satisfy the required burden of proof to prove by a preponderance of the evidence that he is entitled to temporary total disability from May 25, 2024, to a date to be determined.

Based upon the above evidence and the applicable law, and after weighing the evidence impartially, without giving the benefit of the doubt to either party, there is no alternative but to find that the claimant has failed to satisfy the required burden of proof by a preponderance of the evidence that additional medical treatment is reasonably necessary for the treatment of the compensable injury. In addition, after weighing the evidence impartially and applying the applicable law, without giving the benefit of the doubt to either party, it is found that the claimant has failed to satisfy the required burden of proof by a preponderance of the evidence that he is entitled to temporary total disability from May 25, 2024, to a date to be determined. If not already paid, the respondents are ordered to pay the cost of the transcript

IT IS SO ORDERED.

JAMES D. KENNEDY
Administrative Law Judge