BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION CLAIM NO. H504889

TRACY CHUDEJ, EMPLOYEE	**CLAIMANT**
GUY BERRY INTERMEDICATE, EMPLOYER	**RESPONDENT**
ARKANSAS SCHOOL BOARDS ASSOCIATION, INSURANCE CARRIER/TPA	**RESPONDENT**

OPINION FILED AUGUST 26, 2026

Hearing before Administrative Law Judge, James D. Kennedy, on the 15TH day of July 2026, in Mountain Home, Arkansas.

Claimant is represented by Frederick J. Spencer, Attorney at Law, Mountain Home, Arkansas.

Respondents are represented by Jarrod Parrish, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on the 15th day of July 2026, and the issues before the Commission are whether the claimant suffered a work-related injury to her right knee and left wrist on August 5th, 2025, whether the claimant is entitled to medical treatment for her claimed right knee and left wrist injuries, and the issue of attorney fees. During the hearing, the parties agreed that these were the only issues before the Commission and all the other issues were reserved.

The claimant contends she sustained compensable injuries on August 5, 2025, which are supported by objective findings, that she is entitled to reasonable and necessary medical treatment including unpaid medical bills, and also attorney fees.

The respondents contended that the claimant was not performing employment related activities at the time of her injury and she thus did not suffer a compensable injury under the Arkansas Workers' Compensation Act.

A copy of the Pre-Hearing Order filed April 15, 2026, and the Pre-hearing Questionnaires were made part of the record. The parties stipulated that the Arkansas Workers' Compensation Commission has jurisdiction of the claim, the relationship of employee-employer-carrier existed between the parties on August 5, 2025, and that the respondents controverted the claim in its entirety. The claimant was earning sufficient wages to entitle her to compensation at the weekly rate of $423.00 for TTD and $317.00 for PPD benefits.

The sole witness to testify was the claimant. 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 CONCLUSSIONS OF LAW

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. The stipulations set out above are reasonable and are hereby accepted.
3. That the claimant failed to satisfy the required burden of proof to prove by a preponderance of the evidence that she suffered a compensable work-related injury to her right foot and left wrist.
4. That, consequently, all other issues are moot.

5. If not already paid, the respondents are ordered to pay for the cost of the transcript forthwith.

REVIEW OF TESTIMONY AND EVIDENCE

The Pre-hearing Order along with the Pre-hearing questionnaires of the parties were admitted into the record without objection. The clamant submitted one exhibit which was admitted into the record without objection that consisted of 18 pages of medical records. The respondents submitted one exhibit that consisted of 21 pages, along with an index which was also admitted into the record without objection.

The claimant, Tracy Chudej, the sole witness to testify, testified she was the secretary, financial secretary, and office manager at Guy Berry with the Mountain Home Public Schools, had obtained her bachelor-of-science degree from the University of Texas and had worked for the school for about 14 years. She was allowed to come and go as needed due to the financial aspects involved with her job. She testified that at the end of the month and at the beginning, there were accounts that required balancing, and this also occurred at the end and the start of the year. She frequently worked when teachers were not present. (Tr. P. 1- 9)

On August 5th, 2025, the teachers had returned to school and different meetings were going on and we broke for lunch. She stated that her plan for the afternoon was that she was going to just do her ordering and getting everything ready for the students. I was in the training center until noon. “As we were finishing up with meetings everybody kind of disbursed. I went ahead and went up to my office, and before I started on all of the other stuff, I decided to leave the building. I had some errands I needed to run. And so, I

was on my way out of the building when I fell. I had some errands to run, and I was going to grab a drink at the same time." The following questioning then occurred:

> Q: "Did any of these errands involve, in any way, school issues, school needs, school policies, anything of that sort?"
>
> A: "No."
>
> Q: "What were they, all personal?"
>
> A: "Yes, My daughter was - - we were days from my daughter graduating PT school at UCA, so I was needing to get several things done for that."
>
> Q: "Okay. And just help us understand what happened."
>
> A: "I was on my way out of the building and tripped. There is a small step down before you go to the exit of the building down the hallway, and I caught my foot on that and fell before exiting the building."
>
> Q: "Did you actually fall into the door?"
>
> A: "Correct. I fell into the door, and the left hand slammed into the door, and my face hit."
>
> Q: "Okay. Your face hit the door?"
>
> A: "Yes".
>
> Q: "And what happened to your lower extremities?"
>
> A: "When I tripped on that lower step, my right knee came down into the floor."
>
> Q: "Okay. And did you - - were you injured?"
>
> A: "Yes. Yes." (Tr. 9 – 11)

The claimant went on to testify that due to the fall, she broke her kneecap into four pieces and suffered a radial fracture of the wrist. She went on to state that it was clear that she had broken her wrist, so she grabbed her stuff and proceeded to walk to her car and

once she sat down in it, called her husband, because she knew that she wasn't going to be able to get herself anywhere, and she knew that she needed to go to the ER. She was seen by Dr. Jason McConnell, the surgeon for both her wrist and knee repairs. (Tr. 12)

The claimant stated her wrist had pretty well healed but that she sometimes needs help lifting and carrying heavy things. "The knee is kind of a little different story in that yes, it - - the kneecap has repaired itself. However, there's a lot of issues. I've had to rebuild the muscle. I lost a lot of muscle tone there. I'm still working on doing that." She went on to testify that she was still doing some therapy due to her pain and was suffering from pain that would wake her up at times. She doesn't have any muscle to carry her leg and that she has consequently over-compensated, which has caused problems with her lower back. (Tr. 13, 14)

At the end of the direct examination of the claimant, the parties agreed that the only issues before the Commission at this time were whether the claimant suffered a work- related injury to her right knee and left wrist, medical for these injuries, attorney fees, with all other issues reserved.

Under cross examination, the claimant testified that she worked for Guy Berry College and Career Academy, which was part of the Mountain School District and was located in a separate location with her job being primarily performed in the office. She admitted that she did not supervise or discipline students and that there were no students on campus on August 5th, just administrators and teachers. She stated that she frequently interacted with students when they were sent to the office whether for discipline or nurse issues, but that she was not going to discipline them. She also admitted that she didn't patrol the hallways and that her job took place in the office.

During the summertime and training, she had the freedom to take her lunch and get her food off campus as long as this didn't interfere with her training or schedule. (Tr. 15-17)

The claimant admitted that she going to lunch on August 5th, the date of her injuries. She admitted that she was going to the Sonic for a drink and to Harps to get some groceries for a party or reception for her daughter, and that she was not carrying any work-related materials nor going on any-work related errands. The claimant also admitted that she was headed out the door to the parking lot to her car. She also admitted that her doctor had indicated that she should do activities as tolerated and that she worked half days beginning on the 1st of December in 2025, through the end of the year and Christmas break, and then after Christmas break, returned to full-time work. She also admitted drawing a full-time paycheck for the entire period. (Tr. 18 – 22)

The claimant's medical exhibits provided claimant had presented to the emergency department of Baxter Regional on August 5, 2025, and was first evaluated by Dr. John David following a fall where she had caught herself with her left wrist and right knee. She was then seen by Dr. Jason McConnell, the on call orthopedic provider, who recommended a reduction of the wrist, and where a knee immobilizer was placed on her right leg. The claimant suffered a fracture of the right patella, a distal left radius fracture, and an abrasion of the right knee. (Cl. Ex. 1, P. 1 – 7)

Claimant underwent surgery the following day, August 6, 2025, of the left distal radius and the right patella by Doctor McConnell. (Cl. Ex. 1, P. 8 -11) Progress notes by Dr. McConnell on August 7th and the 8th, 2025, provided that a walker with a platform and a wheelchair with a leg extender had been ordered and it was anticipated that the claimant would be discharged to her home with home health. (Cl. Ex. 1, P. 12, 13)

Claimant returned to Dr. McConnell on August 25, 2025, and a visual inspection of the left wrist revealed no joint narrowing and normal soft tissue. (Cl. Ex. 1, P. 13, 14) The claimant then returned to Dr. McConnell on September 5, 2025, and October 23, 2025, for follow ups. (Cl. Ex. 1, P. 15 – 18)

The respondents exhibit consisted of the First Report of Injury dated August 5, 2025, that provided claimant had broken her left wrist and fractured her right knee on the way to lunch. (Resp. Ex. 1, P. 1) A transcript of a recorded phone conversation of a witness provided that the claimant fell over a threshold and suffered a wrist and a knee fracture with this information being obtained from the claimant's supervisor. The incident occurred at about 12:05 and was reported about 12:10. The report also provided that a custodian saw her, went to see if she needed help, and got the nurse. They thought that she was on her way to lunch. (Resp. Ex. 1, P. 2 -8) An AR – N Form provided claimant fell while descending a step and struck a metal exit door and this form was dated August 13, 2025. (Resp. Ex. 1, P. 9 – 11) Wage records were part of this exhibit. (Resp. Ex. 1, P. 12 – 15) A deposition of the claimant taken on February 26, 2026, provided that the claimant testified she was injured while leaving to go to the Sonic and to run some personal errands. She also mentioned her daughter graduating PT school. (Resp. Ex. 1, P. 16 – 21)

DISCUSSION AND ADJUDICATION OF ISSUES

The claimant has the burden of proving by a preponderance of the evidence that she is entitled to compensation benefits for her injury under the Arkansas Workers' Compensation Law. In determining whether the claimant has sustained her burden of proof, the Commission shall weigh the evidence impartially, without giving the benefit of

the doubt to either party. A.C.A. §11-9-704. *Wade v. Mr. Cavenaugh'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).

In the present matter, there appears to be no significant issue as to the facts of the matter or the actions of the claimant. The claimant was allowed some flexibility for her lunch time, especially while students were absent, and was leaving the building to go to her car to drive to the Sonic for a drink and to then run personal errands which possibly included going to Harps to get ready for a gathering or celebration involving her daughter who was graduating from PT school at UCA, an event any parent should be proud of. She affirmed that she was not running an errand for work and was not carrying any work-related papers when she tripped at the door while leaving the building and when she fractured her left wrist and her patella of the right knee.

The critical issue here is whether the claimant was performing employment services when the injury occurred. See *Parker v. Comcast Cable Corp*, 100 Ark. App. 400, 269 S.W.3d 268 (2010). The Commission is bound to examine the activity the claimant was engaged in at the time of the accident in determining whether or not she was performing employment services. *Hill v. LDA Leasing*, 2010 Ark. App. 271, 374 S.W.3d 268 (2010). In order for an accidental injury to be compensable, it must arise out of and in the course of employment. Ark. Code Ann. §11-9-102 (4) (A) (i). A compensable injury does not include an injury inflicted on an employee at a time when employment services were not being performed. Ark. Code Ann. §11-9-102(4)(B)(iii). An employee is performing employment services when he or she is doing something that is generally

required by his or her employer. *Cont'l Constr. Co. v. Nabors*, 2015 Ark. App. 60, 454 S.W.3d 762. We use the same test to determine whether an employee is performing employment services as we do when determining whether an employee is acting within the course and scope of employment. *Pifer v. Single Source Transportation*, 347 Ark. 851, 69 S.W.3d 1 (2002). The test is whether the injury occurred within the time and space boundaries of the employment when the employee was carrying out the employer's purpose or advancing the employer's interest, either directly or indirectly. Even if the alleged injury took place outside the time or space boundaries of employment, "the critical inquiry is whether the interests of the employer were being directly or indirectly advanced by the employee at the time of the injury. *Hudak-Lee v. Baxter County Reg. Hosp.,* 2011 Ark. 31, 378 S.W.3d 77. Moreover, whether an employee was performing employment services depends on the particular facts and circumstances of each case. *Ctrs. For Youth & Families v. Wood*, 2015 Ark. App. 380, 466 S.W.3d 422.

Here, with no real dispute as to the facts, we are faced with the application of the applicable law and the facts to determine if the injury occurred while performing work-related services. Based upon the clear and honest testimony of the claimant, who admitted she was not performing any work related services at the time of her injury, and was going to obtain a drink at the Sonic for herself and to run personal errands, it is clear and apparent that the actions of this very forthright claimant was not benefitting the respondent employer at the time of the accident. See *Williams v. Malvern School District and Arkansas School Boards Association,* 2025 Ark. App. 208, 712 S.W.3d 739. Based upon the facts of record, the preponderance of the evidence in the present matter demonstrates that the claimant was not directly or indirectly advancing the interests of the

respondent employer at the time of her injury on August 5th, 2025, when she fell leaving the building and that consequently, the claimant has failed to satisfy the required burden of proof to prove by a preponderance of the evidence that she suffered a compensable work-related injury to her right foot and left wrist.

Since the injury was in found to be not work related and therefore not compensable, all other issues are moot.

After reviewing the evidence impartially, and 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 to prove by a preponderance of the evidence that she suffered a work-related injury while performing employment services and consequently the claim is found to not be compensable. Consequently, all other issues are moot. If not already paid, the respondents are ordered to pay for the cost of the transcript forthwith.

IT IS SO ORDERED.

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JAMES D. KENNEDY
Administrative Law Judge