

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.: H303065

MISTY COLEMAN, ENRLOYEE

CLAIMANT

CENTERS FOR YOUTH & FAMILY SERVICES,
ENTLOYER

RESPONDENT

ATA WORKERS' COMPENSATION SI TRUST,
RISK MANAGEMENT RESOURCES, INC.,
CARRIER/TPA

RESPONDENT

OPINION FILED NOVEMBER 10, 2025

Hearing held before Administrative Law Judge Chandra L. Black, in Little Rock, Pulaski County, Arkansas.

Claimant represented by the Honorable Shelia F. Campbell, Attorney at Law, North Little Rock, Arkansas.

Respondents represented by the Honorable Jarrod S. Parrish, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

On August 13, 2025, the above-captioned claim came on for a hearing in Little Rock, Arkansas. Previously, a pre-hearing telephone conference was held in this matter on April 30, 2025. A Pre-hearing Order was entered that same day pursuant to the telephone conference. Said order was admitted into evidence along with the parties' pre-hearing information filings without objection as Commission's Exhibit 1.

STIPULATIONS

During the pre-hearing telephone conference, and/or at the hearing, the parties agreed to the following stipulations:

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

claim.

2. The employee-employer-insurance carrier relationship existed among the parties at all relevant times, including on April 30, 2023, when the claimant sustained an admittedly compensable injury to her right knee.
3. The claimant's average weekly wage (AWW) of \$607.00 is sufficient to entitle her to weekly compensation rates of \$405.00 for temporary total disability (TTD) and \$304.00 for permanent partial disability (PPD) benefits.
4. The respondents have controverted the claimant's entitlement to additional benefits, in the form of the other alleged injuries as outlined below and associated benefits for these conditions as outlined below.
5. All issues not litigated herein are reserved under the Arkansas Workers' Compensation Act.

ISSUES

The parties agreed to litigate the following issues:

1. Whether the claimant sustained compensable work-related injuries to her hips, back, right shoulder, and left knee¹ on April 30, 2023.
2. Whether the claimant is entitled to the medical treatment of record and future medical treatment for her alleged injuries to her hips, back, right shoulder, and her admittedly compensable right knee injury. The claimant also contends she is entitled to the medical treatment provided to her by Surgical Associates of Arkansas.

¹ At the beginning of the hearing, the claimant's attorney amended the issue to pertaining to the claimant's alleged injuries, to thereby state that the claimant is no longer asserting an injury to her left knee.

3. Whether the claimant is entitled to temporary total disability compensation from May 1, 2023, to a date yet to be determined.
4. Whether the claimant is entitled to a controverted attorney's fee.

Contentions

The claimant's and respondents' contentions are set out in their response to the Pre-hearing Questionnaire. Said contentions are as follows:

Claimant:

Claimant contends that she sustained compensable injuries to her hips, back, right shoulder, left knee, and right knee, in the form of a horizontal tear in the meniscus of her right knee. (At the time of the telephone conference, the claimant's attorney stated that she was not alleging an injury to the neck. At the hearing, she removed the alleged left knee condition as an issue).

Claimant contends that she is entitled to temporary total disability from April 30, 2023, to a date to be determined. The claimant contends she is entitled to medical mileage, medical expenses, and attorney's fees.

Respondents:

Respondents contend that all appropriate benefits have been paid with regard to this matter. The claimant has been released to full duty by Concentra and Dr. Seale. No additional medical treatment has been recommended for the claimant's compensable knee injury. It is respondents' position that additional medical treatment, if any, is not reasonable and necessary. Respondents also contend that the medical documentation does not support an off-work status associated with the claimant's compensable knee injury.

As previously indicated, respondents have accepted a compensable right knee injury and have paid associated benefits regarding the same. Respondents deny claimant suffered compensable injuries to her hips, back, neck, and right shoulder and state that any treatment associated with those body parts is related to preexisting or unrelated conditions for which respondents are not liable. Respondents contend the medical documentation does not support work related injuries to these other body parts nor does it support entitlement to further indemnity benefits associated with claimant's compensable knee injury or the other claimed injuries in the event compensability is found. Respondents contend all appropriate medical and related expenses have been paid associated with authorized medical treatment related to claimant's compensable right knee injury.

The respondents forwarded a letter to my office on May 20, 2025. This letter reads, in relevant part, as follows: "I enclose with correspondence records from Baptist Health NLR documenting an incident claimant was involved in on or around February 4, 2025. Respondents assert that this incident constitutes an "independent intervening cause."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record as a whole, including the medical reports, the documentary evidence, and other matters properly before the Commission, and after having had an opportunity to listen to the testimony of the witness and observe her demeanor, 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 proposed stipulations set forth above are reasonable and hereby accepted.

3. The claimant failed to prove by a preponderance of the evidence that she sustained compensable injuries to her hips, and right shoulder on April 30, 2023. There are no objective medical findings establishing an injury either to the claimant's hips and right shoulder. All other issues relating to temporary total disability compensation, medical treatment, and attorney fees have been rendered moot.
4. The claimant sustained a temporary aggravation/aggravation of her pre-existing back that resolved no later than May 18, 2023. The respondents have paid all appropriate benefits for this minor injury.
5. The claimant failed to prove her entitlement to additional medical treatment for her compensable right knee injury of April 30, 2023, including the medical services that she received from Surgical Associates of Arkansas.
6. All issues not litigated herein or addressed in this Opinion are reserved under the Act.

Summary of Evidence

The claimant was the only witness to offer testimony during the hearing.

The record consists of the hearing transcript of August 13, 2025, and the exhibits held therein. In addition to the Pre-hearing Order discussed above, the exhibits admitted into evidence in this case were Claimant's Exhibit 1, which is a Medical Exhibit consisting of 69 pages; Respondents' Exhibit 1 encompassing 242 pages of Medical Records; Respondents' Exhibit 2 is a Non-Medical Exhibit comprising of 122 pages; and Respondents' Exhibit No. 3 includes seven, which is a Medical Exhibit Abstract.

Testimony

The claimant testified that she was employed by Centers for Youth and Family Services on April 30, 2023. She testified that she was supervisor for the night staff on the weekends. According

to the claimant, she assisted with helping to address the needs of children with physical disabilities and behavioral difficulties. According to the claimant, she worked alongside of the nurses in dealing with sex-trafficked children, made staff schedules, and assisted with other "houses" that the Centers for Youth and Family Services was responsible for during the weekends. The claimant testified that she coordinated telephone calls to the directors, helped with transportation for the children, and supervised them during fire drills.

She confirmed that she contends on April 30, 2023, she was involved in a work-related accident in the course and scope of her employment with the respondent-employer. The claimant testified that she was helping calming down one of the children. She testified that upon entering the dorm to help with the child, she noticed that the floor had bananas and Jello on it and was very sticky. According to the claimant, she asked staff to clear everything from the floor. The claimant essentially testified that she went to confer with the nurse to make sure all the paperwork was completed in a timely fashion. Per the claimant, as she walked across the floor, she fell to the floor because it was slippery. She maintained that when she fell, she fell in "splits." She testified that it happened so fast, but she recalls that she hit her head, knee, and shoulder when she went back in "a splits." According to the claimant, she tried to get up, but she fell again. The claimant testified that one of the male staff members and a supervisor helped her up.

The claimant testified that she was hurting in her back, legs, and ankles areas. She testified that she was not really hurting so much as she was sore. The claimant reported her injury to her employer. Subsequently, the claimant was directed to go for medical treatment. She first sought medical treatment from North Little Rock Baptist Health Emergency Room Department. The claimant also treated with Concentra. According to the claimant, they checked out her back and could tell it was swollen and told her that she had "a sprain. "

Per the claimant, she saw Dr. Thompson, and she gave her a brace for her knee. The claimant testified that they gave her braces for her feet that wrapped around her ankles, which looked like socks. Per the claimant the brace was like a sleeve and made of Velcro. The claimant also testified that she had a brace for her knee. However, she admitted that she asked for a back brace. She testified that she received treatment for her back in the form of physical therapy, a shot and medicine for her back. According to the claimant, they kept her off work for some days because her back injury was "sprang." As a result, this was like a treatment plan. The claimant maintained that she had back pain. She described her pain as pulling sharp aching and muscle spasms. The claimant also testified that her back was swollen, and it felt stiff. According to the claimant, her "back felt tinglingly," and she had sharp pains and aches in it. The claimant testified that she was released to return to work twice. She was released once when the doctor had released her and explained that she was advised by Ms. Gwatney¹ to release her. However, the claimant maintained that she did not recall the exact date. According to the claimant she was released with restrictions, but her employer refused to put her back to work because she was a liability. The claimant stated that at that time, she was unable to restrain the children and perform her normal duties because the Centers did not have any light duty work. She testified that she must be physically able to restrain a child, and she might have to pick up a child to console them. The claimant testified that she was required to lift up to 50 pounds in her job. She also testified that she was having difficulties walking after her fall due to her knee, back, shoulder, and ankles. According to the claimant she received physical therapy and a shot with an 18-inch needle, but no pain medicine was given to her when that was done. The claimant maintained that she continued to have problems even after she was released with restrictions. Once she was released by Concentra, the claimant went over to OrthoArkansas for continued medical treatment,

² Rebecca Gwatney is the senior claims adjuster Risk Management Resources.

where she received the shot. The claimant admitted received some compensation. However, she testified that Ms. Gwatney stopped her checks, but she does not recall the exact date. She confirmed that she spoke with Ms. Gwatney about her checks being stopped and her need for medications. At that point, Ms. Gwatney told her she had stopped payment of her medications for her injury as of May 31, 2023. The claimant testified that she started going to doctors using her Medicaid insurance. According to the claimant, she had issues with OrthoArkansas and had to file complaint for sexual harassment.²

The claimant confirmed that she received a change of physician to treat with Dr. Victor Williams. She had to stop her treatment with him because he did not receive payments for her medical care. Per the claimant, she received treatment for her whole body, including her knees, shoulder, back, neck, and ankles. Dr. Williams treated the claimant with some physical therapy, but she could not complete her treatment. The claimant testified that the adjuster did not give her a reason for stopping her treatment with Dr. Williams. As a result, she was left with finding her own treatment.

At that point, the claimant started looking for work. She testified she worked for Amazon and did some "Ubering." She denied being paid mileage. The claimant admitted that she had an N4RI of both her back and neck. She maintained that she had an MRI of her shoulder at OrthoArkansas due to a rotator cuff tear. The claimant testified that she wants to be paid for her injuries. She testified that she continues to have problems with her knee giving out on her. Per the claimant, her knee swells and goes up and down, and it is painful. She stated that she has problems with sharp pains in her knee, from her feet as well as her shoulder and back. However, she admitted that sometimes its due to the medication she is on.

³ The alleged complaint against OrthoArkansas is not part of this claim for workers' compensation benefits and will not be address in this Opinion.

On cross-examination, the claimant admitted that she is aware of her back condition being denied by the respondents. About her fall, the claimant agreed that she testified that she fell and went the splits, meaning she fell backwards because the floor was slippery. However, the claimant admitted that she does not remember the actual mechanics of the fall because it was almost two years ago. She maintained that she "remembered falling, hitting her knee and falling in a splits."

Under further cross-examination, the claimant testified:

Q. Okay. You don't remember hitting your shoulder or head on anything, do you?

A. Yeah. I hit I went back and hit my head.

Q Okay. How, mechanically, did that happen if you were in the splits?

A. Because when I hit fell, I hit my Imee, I think. I slid and then I went back 'cause I couldn't balance myself, so it's like boomp, boomp.

Q. You went back over your leg behind you?

A. I fell and I went in a split. I hit my knee, went in a splits, and fell back. I remember fallin' back, so if you askin' me for every single step on how I fell, I remember goin' down. If I went down, my slidin' , boom, walkin', slidin', and goin' back. That's what I remember.

Q Okay. You're not claiming any type of head injury or brain injury in this case though, right?

A. No, sir.

Q. All right. Did I hear you say on direct that your shoulder injury affected the way you walked?

A. No. I said my knee. She said did my knee - -

Q. Okay.

The claimant specifically denied having testified that her shoulder affected her walk. She essentially stated that her hips and knees caused her to walk a certain way. She confirmed that she testified that Dr. Smith injected her with an 18-inch needle. However, the claimant admitted that

this was an exaggeration because she was nervous. (She apologized for her overexaggeration about the needle and having testified to this length multiple times).

About the claimant's medical records, she testified that she did not sign any type of medical authorization for her past medical records to be released. According to the claimant, her doctors told her that Ms. Gwatney told them she was watching the claimant. She explained that she has a problem with the respondents knowing her past medical history and using that against her to not pay for her future treatment in a situation that was obviously caused at her job, which was recorded. Per the claimant, it is a problem when she is being singled out to be watched so that they can find a way to send her back to work without any restrictions. The claimant maintained the doctors told her they had researched her the day she went in to see them because Ms. Gwatney had told them about her past medical injuries. She essentially maintained that it is improper for the respondents to conduct an investigation of a pre-existing condition in the context of determining what is compensable and what is not compensable, even if one has wrong motives. The claimant essentially stated that she has been discriminated against in trying to get proper treatment.

She confirmed that she has a long-standing diagnosis of fibromyalgia. The claimant admitted that she testified in her deposition that it caused her pain and discomfort all over her body. She further admitted that there are medical reports showing that she has pain in joints all over her body due to her fibromyalgia.

The claimant denied that her foot x-ray done in May of 2023 was normal. Instead, she testified that it showed a foreign object in her foot. She went on to state that a lot of "stuff" come back as normal but have something wrong with them. The claimant maintained that she was not aware that the back x-rays done on May 2, 2023, were normal. She denied being familiar with the x-rays of her shoulder done on November 16, 2023, which revealed only degenerative changes.

Per the claimant, she was only aware of different things being shown, such as it being swollen. She denied that the nerve conduction study showed normal results. The claimant stated that the medical report of the MRI of her shoulder shows tendonitis and bursitis, then if that is in the report, that is correct. She underwent an MRI of her lumbar spine in 2023 and 2019, and they both were deemed to be the same. The claimant confirmed that she was released to full duty work by Concentra on May 31, 2023, but it was rescinded. According to the claimant, Ms. Gwatney told them to send her back to work. She testified that the next day they rescinded it. Dr. Seale released the claimant on July 3. The claimant was released to return to work on July 4, and August 10, 2023, by OrthoArkansas. According to the claimant, she was sexually assaulted and had to file a complaint against them. The claimant was released from physical therapy at Concentra on August 25, 2024, because she made considerable progress.

During the claimant's deposition, she stated that she had not had any accidents or incidents since April 30, 2023, involving any of the body parts involving her claim for workers' compensation benefits. She confirmed that it was her testimony that she did not have any accidents or incidents involving any of the body parts she is now claiming in this case.

However, she testified:

- Q. And you told me in your deposition that you had not had any accidents or incidents involving any of those body parts since April 30th, 2023, correct?
- A. Since.
- Q. You don't understand the word since?
- A. No. You're saying after April — after my injury?
- Q. Yeah.
- A. Yeah, that's correct.
- Q. You maintain there's been no accidents or incidents involving those body parts, right?

- A. Right.
- Q. All right. And is that still your testimony today?
- A. Right. Well, I had a wreck and hit a deer.
- Q. Okay.
- A. Yeah, so...
- Q. What body parts...
- A. So that that that was after my injury. That was — I had a wreck like in what 2025, 2024?
- Q. Okay. That's what I'm asking you about.
- A. The end of it.
- Q. February 16th, 2025, you're at the E.R. complaining of bilateral hand pain, neck pain, left knee pain, bilateral shoulder pain after hitting a deer. You don't dispute that, do you?
- A. No, I just said the left side, the left knee.
- Q. Do you know what bilateral means?
- A. Bilateral. What does bilateral means, the opposite side?
- Q. It means both sides.
- A. Oh, well, yeah, of course my injury was already hurtin,' but I did have a whole deer hit my car so...
- Q. You told me you had last been symptomatic in your back in 2019 or 2020 before this accident at Centers.
- A. Right, 'cause I was workin' and I was functional.
- Q. Right. You told me you did not have any symptoms or problems basically since you started at Centers, right?
- A. Yeah. I took medication and I told you I took medication to substain [sic] my inj- -- my pain or whatever, so -
- Q. No. The question was, when was the last time you were symptomatic, and your deposition testimony, on page 129, was that you had not been symptomatic since 2019 or 2020. Are you changing your testimony today?

- A. Well I told you I was takin' medications to be functional. So, I mean, symptoms I always have certain symptoms if I have fibromyalgia.

The claimant was asked if she was changing her testimony. She would neither deny nor admit that she was changing her testimony. Instead, her response was "Please go back and look at the deposition because I do not recall that. " The claimant was asked about symptoms in her shoulder, back, neck, and legs prior to April 30, 2023, and she answered, "It was in '20 or '19, ' , before I went to work for Centers.

It appears that the claimant sought medical treatment on August 30, 2022; October 18, 2022; November 22, 2022; February 9, 2023; and March 9, 2023, consistently complaining of significant back pain with radiculopathy, radiating pain into her legs. On February 9, 2023, the claimant complained of back pain, right lower extremity pain, shoulder pain, aching, stabbing, throbbing, burning, electrical sensations cramping in the low back, pain at an 8 on a 10-point scale, pain interrupting her life at 8 out of 10, pain interrupting regular daily activity at 7 out of 10. The claimant was prescribed Tizanidine for muscle spasms. She admitted that she does not dispute the foregoing, which was done a couple of months before her accident at Centers.

The claimant saw Dr. Aditi Saraswat on March 9, 2023, complaining of back pain, lower extremity pain, shoulder pain, significant lower back pain with radiculopathy, chronic pain syndrome. Again, she was prescribed Tizanidine for spasms and Gabapentin. The claimant was unable to complete physical therapy that she started in 2022. Her doctor discussed with her medical branch block injections and radiofrequency ablation procedures for her back condition. She confirmed that she does not dispute the report. The claimant confirmed that within two months of the injury date, she was at complaining of low back pain and radiculopathy to her doctor.

The following exchange took place:

Q — obviously your statement to me under oath in your deposition that you hadn't had problems since 2019 or 2020 was not a true statement, was it?

A. Well, I didn't have problems without medication.

Under further questioning, the claimant maintained that it was a true statement, because she was working and could work with the injuries. She denied having all the symptoms as set forth and termed. According to the claimant, she only had pain. The claimant stated that she must have misunderstood the questions. She maintained that she misunderstood the question about her being symptomatic before April 30, 2023. However, the claimant admitted she was asked at the end of deposition if there was a question she did not understand or needed for it to be asked again or rephased and she did not indicate she misunderstood anything. She was also instructed of this at the beginning of the hearing. She maintained that she did not have any symptoms between 2020 and her injury in 2023, although obviously she was getting treated for a back injury or pain or pain management. The claimant stated, "I was under pain management." The claimant was asked about her testimony of no symptoms or being symptomatic in 2020, and she began talking about diagnoses of swollen ankles, spranged [sic] ankles, and torn madiscus [sic]. She began testifying about being harassed at OrthoArkansas, which they allegedly touched her breasts and tried to take off her wig. The claimant maintained that she must have misunderstood symptomatic to mean symptoms or diagnosis that Concentra gave her. Per the claimant that is what she thought was being asked of her. The claimant specifically stated in her deposition that she had not had any prior problems, symptoms, injuries, or conditions with her right shoulder.

However, she maintained that she does not recall being asked if she had any injuries to her shoulder. According to the claimant, she only heard respondents' counsel make mention of an MRI.

Coleman - H303065

The claimant was asked if she now admits she did have prior shoulder problems before April 30, 2023, and she responded: "I don't recall." She was asked if she currently disputes the medical records if they document her having shoulder complaints in 2022 and 2023. The claimant stated that she does not, she just wants to see them. The claimant was shown pages 112 and 113 of respondents' exhibit, which is a medical record form Jefferson Regional on November 25, 2018. Per these medical notes, the claimant complained of right-sided shoulder problems and upper arm problems. However, she did not recall this event. On October 18, 2022, the doctor specifically recounts her reported history of shoulder pain. That was less than six months before her work incident in April 2023. The claimant was asked if she disputes this report, and she stated that due to all the false documentation she has experienced she would like to see it. The claimant stated she has challenged the validity of the reports. However, she next maintained that she had not done so because she did not know the process and she is fighting too many battles.

The claimant confirmed that she is asking for temporary total disability from May 1, 2023 and continuing to a date to be determined. However, the claimant admitted that she testified that on direct examination that she worked as a driver for Uber. She also admitted to having testified that she has applied for work as a delivery driver for Amazon but has not worked for them. The claimant admitted that she has worked for Uber Eats. She also gives people rides occasionally for pay, favor or trade.

Under further questioning the claimant admitted the following:

Q. All right. So, you're not obviously totally incapacitated?

A. No.

She confirmed that if she is going out and doing a task, she is earning money. However, the claimant maintained that she must be under medication and cannot do what she wants to do. She denied that she could do her prior work for the respondent-employer because of her injury. According to the claimant, they would not allow her to return to work. She admitted that she applied for unemployment insurance benefits and received those benefits. The claimant admitted that she was honest and truthful with the Arkansas Department of Workforce Services when she completed her application. She confirmed that she told Workforce Services she did not have any disabilities to prevent her from working, which are on page 88, 99, 100, 101, and 103 of respondents' non-medical packet. The claimant was asked if she was lying, and her response was "Well not anything that's gonna stop me from workin' certain jobs, no."

The claimant attempted to further explain her ability to work:

Q. And your unequivocal answer is no, you did not have any disabilities that prevent you from doing your job, right?

A. Exactly.

Q. And you indicated that you could go to work full-time, and you could start immediately, correct?

A. Correct.

Q. And you weren't lying when you gave those answers, were you?

A. I wasn't lying.

Q. Okay. You agree if you have no disabilities, you can go to work full-time and you can go to work immediately. You wouldn't be entitled to a benefit that's designated for someone who's totally incapable of working, right? Those two don't line up?

A. Right. It don't line up.

Q. Okay.

- A. But if I'm told to say somethin then that is — it - - it don 't matter long as you can work. They don 't have - they don 't have a answer. mat I was told, they don't have a great answer.

The claimant continued to testify that on the application for unemployment benefits she had to answer that she was not fully disabled because there was no answer for partial disability, or 30% disabled. According to the claimant, when accepting a job, it is at that point when she would answer partial or full-time disability. The claimant went on to try to explain away and give conflicting and confusing testimony about her having indicated on her application for unemployment benefits that she was able to work. She was asked if she was totally incapacitated at the time she completed the application and if she was telling the truth. Her response was "I was advised no." The claimant admitted that she drew benefits based on her answer of "No. " She explained that she did exactly that because she had no income.

However, the claimant admitted that at one point her unemployment benefits were suspended. Although the claimant's benefits were suspended because she put down employers that she claimed that she applied to for work but when they did an audit, they never heard of her or from her. However, she denied that •they advised her of that action. The claimant was that if there is a document of record from the Department of Workforces saying that is the finding and the reason for her benefits being suspended if she has any validation to dispute that, she replied

“I – I— I don't recall. She went on to give conflicting and confusing testimony in this regard. However, the claimant testified that she does not know anything about what has been explained to her in that regard. The claimant next maintained that she does not recall it and does not believe that happened.

Medical Evidence

Previously, on November 25, 2018, the claimant sought medical treatment from the Emergency Department of Jefferson Regional Medical Center/JRMC due to, among other things, sprain of the shoulder and upper arm, and strain of right elbow and forearm.

The claimant sought via an ER visit to Baptist Medical Center on May 3, 2019, with complaints right knee pain, right ankle pain due to a fall. She also complained of neck and back pain.

An MRI of the claimant's lumbar spine was performed on October 9, 2019, with an impression of: "Mild lower lumbar disc and facet degeneration with relatively minimal disc bulges at L4-5 and L5-S1 along with posterior annular fissures. No significant mass effect."

The claimant underwent a neurosurgery evaluation by Dr. Ahmed Bahgat on August 30, 2022. She complained of chronic pain radiating into the hip and right lower extremity, multiple joint pains, pain that radiated into the right hip, knees, and feet. The claimant further complained of joint swelling, and back and neck pain. On physical examination, the claimant was positive for arthralgias, back pain, gait problems, myalgias, and neck pain.

Further review of the medical records shows that on October 18, 2022, Dr. Aditi Saraswat performed an initial evaluation of the claimant due to a history of chronic low back pain, right lower extremity pain, shoulder pain, neck pain which rates to be at 7/10. She described the intensity of her pain being throbbing, stabbing, burning, electric and cramping.

On May 2, 2023, the claimant sought medical treatment from Baptist Health Medical Center/BHMC North Little Rock due to a sprain of unspecified ligament of the left ankle." The claimant underwent x-rays of the left foot and right foot, which revealed no fractures/swelling. X-rays of her right hip were normal, and x-rays of her right knee showed no effusion/swelling.

Coleman - H303065

X-rays of the claimant's lumbar spine demonstrated no fractures but showed facet arthropathy at L4-5 and L5-S1.

Dr. Saraswat evaluated the claimant on May 3, 2023, due to multiple complaints of back pain, lower extremity pain, shoulder pain, neck pain, and fibromyalgia related symptoms. At that time, Dr. Saraswat recommended that the claimant undergo bilateral lumbar facet injections at L4-5 and L5-S1. He also ordered an MRI of her lumbar spine.

The claimant was seen at Concentra on May 10, 2023, due to a left ankle sprain by the Miriam Lawrence, NP. She reported having difficulties performing her job duties. Lawrence noted that on palpation the claimant had left and right sided muscles on left sacroiliac. Lawrence assessments were: "Left sided ankle sprain. Right ankle sprain. Right knee sprain. Lumbar sprain. Sprain of the left shoulder. Sprain of right shoulder." The claimant was placed on light duty functional restrictions. She was noted to have full range of her right shoulder.

On May 18, 2023, the claimant returned to Concentra. At that time, Lawrence released the claimant to return to work any physical restrictions. She did not prescribe any medications for any of the claimant's conditions.

Next, on May 31, 2023, Concentra/Lawrence directed the claimant to refrain from restraining clients. An MRI was performed of the claimant's right knee was performed on June 13, 2023, which revealed in pertinent part, "A horizontal tear of the lateral meniscal body," and other pre-existing degenerative findings."

Dr. Victor Williams evaluated the claimant on June 18, 2023, for her work injury. At that time, the claimant had multiple symptoms of the pain of the right shoulder, hips, neck, back, right knee meniscus tear, and fibromyalgia. He recommended oral steroids and physical therapy. On June

Coleman - H303065

23, 2023, the claimant returned for a follow-up visit at Concentra. At that time, the claimant was noted to be approximately 25% of the way toward meeting the physical requirements of her job.

Subsequently, on June 27, 2023, Dr. Philip Smith at OrthoArkansas gave the claimant an injection in the left knee. Dr. Smith also prescribed a knee brace. Per these clinical notes, he opined that the claimant was attempting to limit her release from medical treatment.

The claimant underwent evaluation by Payton Ransom, PA-C, on July 3, 2023, for an office visit to review and discuss with the claimant x-rays and MRI of her back, which was performed on June 23, 2023. Ransom opined "There are no objective findings of an acute injury." The patient has a history of pain in her lower back and down the leg which she had been treated for pain right up until her injury. It was discussed with the claimant that she had an exacerbation of a pre-existing condition being her small annular tear at L5-L5 and L5-S1. Ransom released the claimant to full duty work from standpoint of her lumbar spine without restrictions.

Both Drs. Justin Seale and Allan Smith wrote letters to the claimant on July 21, 2023 stating that they could no longer provide medical care for her. The claimant allegedly was disrespectful, displayed disruptive behavior and made threats toward their staff.

The claimant filed for unemployment benefits insurance benefits on December 11, 2023. The first week she claimed these benefits for was the week ending December 9, 2023. At that time, the claimant stated that she was willing, able, and available to work beginning May 1, 2023.

On January 18, 2024, the claimant underwent an MRI of the right shoulder with an impression: "1. No full-thickness rotator cuff tear. No labral tear. 2. Mild to moderate supraspinatus and infraspinatus tendinosis. 3. Mild subacromial/subdeltoid bursitis." Also, EMG Studies of the claimant's lower extremities were normal.

Adjudication

A. Compensability of Alleged Injuries-Hips, Back, and Right Shoulder

In that regard, for the claimant to establish a compensable injury as a result of a specific incident, the following requirements of Ark. Code Ann. §11-9-102(4)(A)(i) (Repl. 2012), must be established: (1) proof by a preponderance of the evidence of an injury arising out of and in the course of employment; (2) proof by a preponderance of the evidence that the injury caused internal or external physical harm to the body which required medical services or resulted in disability or death; (3) medical evidence supported by objective findings, as defined in Ark. Code Ann. §11-9-102(4)(D), establishing the injury; and (4) proof by a preponderance of the evidence that the injury was caused by a specific incident and is identifiable by time and place of occurrence. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997).

A compensable injury must be proven 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 their 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 does not establish by a preponderance of the evidence any of the requirements for showing compensability, compensation must be denied. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997). This standard means evidence that has greater weight or more 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). Based on my review of the record as a whole,

Coleman - H303065

and without giving the benefit of the doubt to either party, I find that the claimant has failed to prove by a preponderance of the evidence, medical evidence supported by objective findings that she sustained compensable injuries to her hips, and right shoulder, on April 30, 2023, during and in the course and scope of her employment with the respondent-employer while performing her job duties.

In the present matter, the claimant was not forthcoming about her prior long standing consistent complaints of ongoing chronic conditions relating to various body parts, and her extensive ongoing medical treatment for fibromyalgia. Hence, the claimant has an extensive history of medical treatment preceding her work-related fall injury in April 2023 for multiple body parts and joints.

Although the claimant had an MRI of the right shoulder, all the objective medical findings were pre-existing and degenerative in nature and not related to her fall. As such, her claim for injuries to her right shoulder and hips must be denied because the claimant did not establish by a preponderance of the evidence all the necessary requirements for showing compensability for her alleged injuries to her hips and right shoulder.

Concisely, the claimant failed to prove by preponderance of the evidence that she sustained compensable injuries to her hips and shoulder during her work-related fall in April 2023.

With respect to the claimant's alleged injury to her lumbar spine. Here the claimant has an extensive history of medical treatment for chronic back pain and fibromyalgia. The claimant underwent an MRI of the lumbar spine in 2019 and following her work-related fall of April 30, 2023. Her treating physician opined that there was no meaningful change in the two MRIs of her lumbar spine. During her initial visit at Concentra, under the care Nurse Ransom on July 3, 2023, she opined "There are no objective findings of an acute injury." The patient has a history of pain in her lower back and down the leg which she had been treated for pain right up until her injury. It was discussed

Coleman - H303065

with the claimant that she had an exacerbation of a pre-existing condition being her small annular tear at L5-L5 and L5-SI." Prior to that the claimant was examined by Nurse Lawrance on May 10, and she stated that the claimant had a muscle spasm on physical examination. However, at that time, Lawrance released the claimant to light duty work from standpoint of her lumbar spine without restrictions. However, on May 18, 2023, she released the claimant to full duty work.

The claimant reported on her application for unemployment insurance benefits that she was able to work as of May 1, 2023, for which she received unemployment benefits. At one point, the claimant's unemployment benefits were suspended due to her having reported false job searches. The claimant gave conflicting and confusing testimony regarding her prior back condition. Most remarkably, the claimant gave untrue deposition testimony about her prior treatment for her chronic back condition for which she had received extensive on-going medical treatment to her back. The medical evidence of record clearly proves that the claimant has previously and consistently reported back pain and related symptoms. Here, the claimant's complaints of the back prior to her fall are no different than her current complaints. As such, I think it would require a significant amount of impermissible speculation for me to attribute the annular tear to the claimant's work-related fall of April 30, 2023. Therefore, I find that the claimant has failed to establish a causal connection between her fall at work and the objective medical findings demonstrated on the MRI. However, I do attribute the muscle spasms to her fall. Under these circumstances, I am persuaded that the claimant sustained only a minor aggravation of her preexisting degenerative back condition, in the form of a muscle spasm.

As such, I am compelled to find that at best, the claimant sustained only a minor temporary exacerbation of her pre-existing/symptomatic degenerative back condition, which resolved no later than May 18, 2023.

The respondents have provided reasonable and necessary medical treatment for this temporary aggravation of the claimant's pre-existing degenerative back condition, which was symptomatic at the time of her work-related fall of April 30, 2023. No temporary total disability compensation is applicable under these circumstances because the claimant has received temporary total disability compensable for her compensable left knee injury during this period.

B. Medical Benefits

An employer shall promptly provide for an injured employee such medical treatment as may be reasonably necessary in connection with the injury received by the employee. Ark. Code Ann. 11-9-5086) (Repl. 2012).

The claimant bears the burden of proving by a preponderance of the evidence that medical treatment is reasonably necessary. *Stone v. Dollar General Stores*, 91 Ark. App. 260, 209 S.W. 3d 445 (2005).

After reviewing the evidence in this case impartially, without giving the benefits of the doubt to either party, I find that the claimant has not met her burden of proving her entitlement to any additional medical treatment in connection with the compensable right knee injury she received on April 30, 2023.

Here, the claimant has received extensive conservative medical treatment for her right knee in the form of a medication regimen, a knee brace, and a steroid injection, for which the respondents paid. Her complaints are all subjective and not credible. Since 2018, the claimant has consistently reported multiple joint related ailments and fibromyalgia related symptoms prior to her compensable fall in April 2023. The claimant has been released to full duty by Concentra and Dr. Seale for her knee injury. No additional medical treatment has been recommended for the claimant's compensable knee injury of April 30, 2023. The claimant's own testimony was conflicting and confusing regarding

Coleman - H303065

her alleged need for additional medical treatment. In fact, the claimant has not indicated the need for a particular treatment modality for her right knee injury. I did not find the claimant's testimony to be credible concerning her alleged need for additional medical treatment for her right knee injury. It is noteworthy that the claimant ultimately testified that she is not totally incapacitated and was able to perform work. In fact, the claimant essentially admitted that she was untruthful on her application for unemployment insurance benefits. On this application the claimant reported that she was ready, willing, and able to start working on May 1, 2023.

I unable to find a trustworthy medical recommendation for additional medical treatment for her right knee injury. There is no credible evidence whatsoever demonstrating that any additional medical treatment, is reasonably necessary in connection with the knee injury that she received on April 30, 2023. As such, the claimant failed to prove by a preponderance of the credible evidence her entitlement to any additional medical treatment for her compensable right knee injury.

For the above reasons, I find that the medical treatment received by the claimant from Surgical Associates of Arkansas was not reasonably necessary and in connection with the right knee injury received by the claimant. Hence, the evidence before me preponderates that the respondents have paid for all appropriate medical and related expenses associated with the claimant's compensable right knee injury of April 30, 2023.

ORDER

This claim for additional medical benefits for the claimant admittedly compensable right knee injury of April 30, 2023, and the alleged injuries to her hips, and right shoulder, is hereby respectfully denied in its entirety.

The claimant proved that she sustained a minor temporary exacerbation of her preexisting/symptomatic degenerative back condition, which resolved no later than May 18, 2023.

Coleman - H303065

However, the respondents are not liable for any benefits related to the claimant's back because they have previously paid appropriate benefits for her minor back injury of April 30, 2023.

IT IS SO ORDERED.

CHANDRA L. BLACK
ADMINISTRATIVE LAW JUDGE