

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H303915 & H305142**

JOEY DAVIS, EMPLOYEE

CLAIMANT

ARKANSAS TECH UNIVERSITY, EMPLOYER

RESPONDENT

PUBLIC EMPLOYEE CLAIMS DIVISION, CARRIER

RESPONDENT

OPINION FILED **MAY 2, 2024**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF in Russellville, Pope County, Arkansas.

Claimant is not represented and appears *pro se*.

Respondents represented by CHARLES H. MCLEMORE, Attorney, Little Rock, Arkansas.

STATEMENT OF THE CASE

On March 20, 2024, the above captioned claim came on for a hearing at Russellville, Arkansas. A pre-hearing conference was conducted on February 22, 2024, 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 this claim.
2. The employee/employer/carrier relationship existed on June 7, 2023, and July 27, 2023.
3. Claimant's average weekly wages are \$451.97 and \$450.07.
4. The respondents have controverted the claim in its entirety.

By agreement of the parties, the issues to be litigated and resolved at the forthcoming hearing were limited to the following:

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1. Whether claimant sustained a compensable injury to his right upper extremity on June 7, 2023.
2. Whether claimant sustained a compensable injury to his left upper extremity on July 27, 2023.
3. If compensable, whether claimant is entitled to medical treatment.
4. If compensable, whether claimant is entitled to temporary total disability benefits.

All other issues are reserved by the parties.

The claimant contends that “On June 7, 2023 [H303915] right hand sore while cleaning stove, next day swollen, pain moved up arm, given braces, moved to shoulder, told carpal tunnel then tendon upper arm. On July 7, 2023 [H305142] direct result of brace on right hand sharp pains in left elbow – tennis elbow.”

The respondents contend that “The claimant reported on June 15, 2023, having an injury to his right hand on June 7, 2023 [H303915] and medical treatment was initially provided by respondent for the claimant. The claimant subsequently reported on August 2, 2023, having an injury to his left hand on July 27, 2023 [H305142] after which respondent provided claimant with initial medical treatment. The claimant has been examined by physicians and provided an EMG nerve conduction study, which was normal. When the claimant was seen by Dr. Mark Tait, orthopedic hand surgeon, on August 16, 2023, the claimant was released at maximum medical improvement with 0% permanent impairment and released to full duty with no restrictions. Respondent contends that the claimant cannot meet his burden of proving that he sustained a compensable specific incident injury or gradual onset injury arising out of and in the course of his employment caused by both rapid and repetitive motion to either hand on either June 7, 2023, or July 27, 2023. Respondent further contends that the claimant cannot establish that his alleged injury is the major cause of disability or need for treatment.

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Respondent contends that if the claimant's claim was compensable, the respondent cannot be responsible for disability, medical, or other benefits prior to receipt of the employee's report of injury. The respondent reserves the right to raise additional contentions, or to modify those stated herein, pending the completion of discovery."

From a review of the entire record including 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 February 22, 2024 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 he suffered a compensable injury to his right upper extremity on July 7, 2023.

3. Claimant has failed to prove that he suffered a gradual injury to his left upper extremity due to rapid repetitive motion on or about July 27, 2023, or as a natural consequence from a compensable injury to his right upper extremity.

FACTUAL BACKGROUND

Claimant maintained he had two separate injuries, one to his right upper extremity which led to an injury to his left upper extremity due to overuse. These two cases were consolidated for trial, as there were overlapping factual issues and medical records that mentioned both injuries. The parties agreed to this consolidation in the prehearing conference (Commission X 1).

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There was some testimony regarding when claimant reported the injury; however, claimant did not seek reimbursement for the one doctor's visit he had before a report was made, nor did respondent raise a delayed report as a defense to this matter. As such, I did not find it necessary to determine if claimant was entitled to any benefits prior to June 15, 2023, the date of the Employee's Report of Injury Form (R.NMX.5)

HEARING TESTIMONY

Claimant testified that he first injured his right hand while working as a custodian at Arkansas Tech. On June 7, 2023, he was cleaning a stove in an apartment, and something did not feel right in his hand. Claimant noticed the next day the hand was swollen, but he already had a doctor's appointment for high blood pressure coming up, so he did not immediately seek medical treatment. When he went to his regular doctor's appointment on June 15, 2023, he mentioned his hand and was told that it might be carpal tunnel. When claimant returned to work that day, he told his supervisor, Stacey Cox, that he had hurt his hand, after which he was referred to the Conservative Care Occupational Clinic on June 16, 2023. Claimant was seen by APRN Dalana Rice and was given a brace to wear on his right hand; claimant stated that he was told to wear the brace constantly except when he was in the shower.

Regarding his claim for his left hand on July 27, 2023, claimant said that he was using his left arm more as he was cleaning the apartments and his elbow and wrist started popping and hurting in that left arm. He returned to see APRN Dalana Rice and was given a brace for his left arm, an appointment was made for claimant to be evaluated for carpal tunnel, and that test was performed on July 31, 2023, by Dr. Miles Johnson.

Claimant said he was referred to physical therapy but was having to use his "comp time" at work to go to doctor's visits for physical therapy. He continued to use both arms at work until August

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2, 2023, at which time he was placed on restrictions. There was apparently a problem in communicating the restrictions to claimant's supervisor because it was a few days before his lifting restrictions were recognized by respondent. Claimant said he was off work for eight working days because there was no light duty for him to do. Claimant was then seen by Dr. Mark Tait. Following that visit on August 16, 2023, respondent determined it was going to deny the claim as of August 24, 2023. Claimant testified he had no additional medical treatment since the claim was denied by respondent, as he could not afford the physical therapy out of his pocket. Claimant returned to work for respondents until September 15, 2023, at which time the work without restrictions became too much for him and he left his employment. Claimant requested temporary total disability benefits from September 15 through January 1, 2024.

On cross-examination, claimant said that it was a repetitive injury that happened over a period of time, but that he was not having any problems with his right hand before June 7, 2023. He had previously been treated for an infection in that hand and he had an injury to the middle finger of his right hand when it was stuck in a shackle while working for Tyson. Claimant explained that some medical records from 2019 which mentioned bilateral hand swelling was due to blood pressure issues. Claimant said his issues were different after June 7, 2023, because he believed that he had soft tissue damage from repetitive use at Arkansas Tech and was not properly trained on safety regarding repetitive motion.

Claimant was asked about the entry on the June 15, 2023, record from Kirkland Family Medical Center (R.X.1 page 14) which stated "patient c/o right hand pain not better, reports he spoke to Brittney Calvert, PA about this last visit. He rates the pain 5/10 and states it gets worse with use, he is having numbness in that now. Has nerve conduction studies planned with neurologist next month." Claimant said the previous complaint was about the cyst and the nerve conduction study was for

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neuropathy in his feet. Claimant said that he had a nerve conduction study performed by Dr. Miles Johnson in Fort Smith on July 31, 2023, but did not know why it was done on both hands. As he had testified under direct examination, claimant stated that the appointment with Kirkland on June 15, 2023, was one that was regularly scheduled for his blood pressure, and he asked about his hand while he was there because he thought it was probably just sore. He did not know there was a problem with his hand at that time other than the soreness. After the nerve conduction study, claimant was sent to Dr. Mark Tait. Claimant was not impressed with Dr. Tait's examination, stating "He did not seem interested in anything. He tried to diagnose a soft tissue pain with an x-ray machine." Dr. Tait had ordered a course of physical therapy for claimant after the visit with Dr. Tait, the respondent determined that it was going to controvert this claim, and claimant was not able to continue with his physical therapy treatment because Dr. Tait released claimant with no restrictions on August 16, 2023.

After claimant rested, Stacy Cox, who was claimant's direct supervisor, testified as to claimant's job duties consisting of scrubbing showers, vacuuming, mopping floors, dusting, cleaning glass in the doorways and entrances. She said that there were a variety of different job duties, but they were all related to cleaning. She recounted how she learned that claimant stated he hurt himself on the job. Ms. Cox testified to the production of some of the records that were offered by respondents as its Exhibit 2 at the hearing.

On cross-examination, Ms. Cox explained how employees were instructed to make workers' compensation claims. Ms. Cox did not recall a luncheon in which claimant had his hand wrapped in early June 2023.

Respondents next called Julie Ennis who is the custodial director and the supervisor of Stacy Cox. She said those cleaning an apartment were expected to do two or three units a day, but if one was not finished at the end of the workday, it would be done the next day. Claimant identified portions

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of Respondent's Exhibit #2, including one that she filled out when she spoke with claimant on June 15, 2023. Ms. Ennis testified that June 15, 2023, was the date that she first knew that he was making a workers' compensation claim. Ms. Ennis was not positive if she handed the Employer's Report of Injury Form to claimant or if Stacey Cox gave it to him.

In rebuttal, claimant testified that when he got back from his June 15, 2023, appointment with Kirkland, he told Stacey Cox that he had carpal tunnel and needed to find out how to file a workers' compensation claim. Claimant denies that he was handed the document that Ms. Ennis identified, stating that he was given one by "the safety guy."

After claimant rested, the court had the following exchange with claimant:

Q. (By the Court) In your claim, the way that we wrote it up in the prehearing order, you were alleging and your testimony was that you were working on a stove on June 7 and you felt something happen to your hand, but part of your testimony and the form you filled out on June 15, this is Respondent's 2 Document 5, says that it is repetitive work, repetitive cleaning and scrubbing.

You may not be aware of this, but there is a significance in workers' compensation for either a gradual onset injury or a specific incident injury. I need to know what you are claiming. Are you claiming a specific incident or are you claiming a gradual onset?

A. (By Mr. Davis) I got that word from the doctor they sent me to. That's how I know that word.

Q. (The Court) I am just asking you what your claim is. Are you claiming a specific incident in cleaning the stove on June 7 regarding your right arm injury or are you claiming as it says in the form on page 5 a repetitive injury, which would be a gradual onset? I am not telling you what your claim is. I am asking you what your claim is.

A. (Mr. Davis) I am claiming a specific injury.

Q. (The Court) Okay. That is for the June 7 injury. Now are you claiming – on your left hand or are you claiming a specific incident or are you claiming a gradual onset on it?

A. (Mr. Davis) Gradual.

Q. (The Court) Gradual on the left?

A. (Mr. Davis) Yes.

REVIEW OF THE EXHIBITS

Claimant did not introduce any medical records. Prior to the hearing, he had been advised as to the records that respondents' counsel was going to offer into evidence, and he relied upon those during his testimony. Claimant objected to the first ten pages of the respondents' medical records as being irrelevant. I overruled the objection because the records related to the same part of claimant's body that he maintains is now injured as a result of work-related activity. However, while relevant, I find those records were related to a finger injury from 2011 (R.X.1 pages 1-3) and provide no useful information for the determination of this claim.

The records from January 27, 2019, from St. Mary's Hospital involved pain in claimant's right wrist. The next day, he followed up with his healthcare provider at Kirkland Family Medical Clinic with this entry at the history of present illness:

“Thirty-year-old male presents unaccompanied today for a follow up after going to the emergency room at SMRMC on Saturday due to bilateral hand swelling. He states he woke up with his hands swelling. Denies any recent injuries. Denies any swelling to lower extremities. He was given Naproxen 500 mg bid and states his hands are better, reports that swelling has subsided, has better strength and grip. He was put on light duty but patient is here to get a work release so he can return to work without restrictions, no other complaints.”

There were no other entries regarding this incident (R.X. pages 4-5).

On January 16, 2023, claimant saw PA Brittany Calvert at Kirkland for “follow up with weight loss and knot right hand...has knot on right palm and right hand locks up at times when gripping things...” PA Calvert examined claimant's right hand, and she reported “no tenderness, no warmth, or objective synovitis and trigger finger.” For the pain in his right hand, claimant received an injection

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of Ketorolac and was told to return for follow up in four weeks, or sooner if the symptoms worsened or new symptoms arose. (R.X. pages 6-10).

Claimant returned to Kirkland on June 16, 2023, and was seen by APRN Tanna Shockley. He said that the pain in his right hand was not better, and that he had spoken to Brittany Calvert about this on his last visit (which was in January 2023, as recounted in the above paragraph). Claimant said the pain got worse with use and he was having numbness in that hand now. There was a nerve conduction study planned with a neurologist in July 2023. APRN Shockley concluded that claimant was suffering from carpal tunnel syndrome of the right wrist. She had claimant wear a splint on his right arm and stated he should proceed with the nerve conduction studies with the neurologist next month. (R.X. pages 11-15)

Claimant returned to work and reported a work-related injury after seeing APRN Shockley on June 15, 2023; the next day he was sent to Conservative Care Occupational Health, a medical provider selected by respondent. On June 16, 2023, claimant described the accident as follows:

“Patient states on 6-7-23 his right hand was sore while cleaning a stove. He said the next day it was swollen. He went to see PCP yesterday and was diagnosed with carpal tunnel. Ordered brace. Has had tingling in hands since. Tingling is in the last two fingers. Swelling was in base of hand next to wrist. Unable to grab anything small. Taking Ibuprofen and wrapped with an Ace bandage. Did help with swelling and pain.”

APRN Dalana Rice did an examination of claimant’s right hand and noted that there was no swelling or bruising present, nor an abrasion or erythema. She noted some subjective findings such as decreased grip strength and pincher grasp as well as noting that claimant reported that palpation in the fourth metacarpal nodule was painful. Claimant also reported pain to palpation over the medial hand’s dorsal surface as well as pain with motion in his hand. APRN Rice disagreed that claimant had carpal tunnel syndrome, as the numbness was in his fourth and fifth fingers which would be consistent

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with cubital tunnel syndrome. She suggested the “usual course of treatment” which is splinting along with ice and NSAIDs. APRN Rice determined that the splint was appropriate for the symptoms, told him to take naproxen every twelve hours, and apply ice for fifteen minutes at least twice a day. There were no work restrictions given at that time, but she did recommend that claimant use his left hand for repetitive motion duties. Claimant was released to regular duty and was told to return in two weeks. (R.X. pages 16-22)

Claimant returned to Conservative Care Occupational Health on June 30, 2023, and again saw APRN Rice. The patient’s description of the accident was copied from the previous medical record, and claimant’s complaint was that his right hand was tingling, numb, and sore. APRN Rice stated, (and I believe inaccurately) that the problem began on June 15, 2023. Her entry as to the examination of the right hand is largely identical to the previous entry, although she did add that claimant reported pain with gripping and repeated tingling in the fourth and fifth fingers. She recommended that the current treatment measures continue, and that claimant’s recommended work status remain at regular duty. (R.X. pages 23-25)

Claimant returned to Conservative Care Occupational Health on July 7, 2023, this time seeing APRN Cynthia Johnson. Her report did not contain any objective findings, nor did she restrict his activity at work. She referred him for a nerve conduction velocity study. (R.X. pages 28-33)

Claimant returned to his primary care provider on July 31, 2023, where he saw PA-C Brittney Calvert, and at that point he is complaining of problems with his left elbow and thumb. PA-C Calvert suspected that the problem in the left hand was secondary to overuse but there were no objective findings in her report. She noted that claimant was due for a nerve conduction study on his right wrist later that day (R.X. pages 34-38).

Claimant was seen by Dr. Miles Johnson at Northwest Arkansas EMG Clinic on July 31, 2023.

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The history of the present illness as recorded by Dr. Johnson was that claimant had pain in the right medial elbow and had been noticing problems in the left upper extremities. He had been referred by APRN Cynthia Johnson for electrodiagnostic testing on the bilateral upper extremities. After performing some physical examinations including several tests which are subjective in nature, Dr. Johnson performed an EMG/NCS test to determine peripheral nerve involvement. The summary of the test was:

“Bilateral medial and ulnar motor studies are normal. Bilateral median ulnar orthodromic sensory latency difference is normal. Radial sensory response is normal bilaterally. EMG examination of the bilateral upper extremities is within normal limits.” His assessment was “normal electrode diagnostic study of the bilateral upper extremities. There is no electrodiagnostic evidence of a radiculopathy, plexopathy, generalized peripheral neuropathy or peripheral nerve entrapment syndrome or injury.” (R.X. pages 39-43)

Following the EMG/NCV study, claimant returned to see APRN Delana Rice at the Conservative Care Occupational Health Clinic on August 2, 2023. The results of the exam were explained to claimant, which indicated no carpal or cubital tunnel syndrome and no radiculopathy. APRN Rice believed that claimant would benefit from physical therapy and referred him to River Valley Therapy for such. APRN Rice restricted claimant to lifting ten pounds or less and no forced gripping for more than five seconds or repetitive motion work with either hand. (R.X pages 44-51).

Claimant returned to Conservative Care Occupational Health on August 9, 2023, and again saw APRN Delana Rice. An x-ray of the left thumb was ordered and was normal in that there were no fractures or abnormalities noted. APRN Rice determined that claimant should be referred to an orthopedic doctor to evaluate and treat the left thumb and elbow. After this visit, claimant was to return to regular duty; however, use of his left hand and elbow were restricted to no lifting over five pounds, no forced gripping and no repetitive motion work. (R.X 52-56)

On August 14, 2023, claimant had his initial evaluation for physical therapy. The chart from

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River Valley Therapy Sports Medicine was primarily a recitation of claimant's complaints and I saw no objective findings in the report by Scott Bailey, the occupational therapist, who worked with claimant (R.X pages 57-58). On August 16, 2023, claimant returned to see Mr. Bailey and received conservative treatment; it was noted that he had an orthopedic appointment that day and no additional therapy was added to his plan of care.

On August 16, 2023 claimant had his initial visit with Dr. Mark Tait, a hand surgeon, at the UAMS Orthro Clinic. Dr. Tait reviewed the past medical history that had been recorded in the electronic medical records; there is no indication as to how extensive these records were. During the physical examination, claimant showed some mild tenderness over the lateral epicondyle that was very mild. There was also some mild tenderness of the CMC joint and thenar muscles. Dr. Tait's impression was that claimant had bilateral mild lateral epicondylitis. In the discussion and plan, Dr. Tait recorded:

“I discussed with the patient today, regarding the non-operative interventions moving forward. I see no indication for operative interventions. At this point and time, he will receive occupation therapy for two more visits and will transition him to a home program for treatment of the mild tennis elbow and CMC synovitis. I discussed with the patient that he won't feel some symptoms, reassured him I see no signs of pathology that will require surgical intervention. He can proceed with unrestricted lifting and gripping with both hands. He will brace as needed. I feel this patient has reached maximum medical improvement.”

(R.X. pages 60-62)

Dr. Tait then did a “To Whom it May Concern” as follows: “It is my medical opinion that Mr. Joey Davis may return to work without any restrictions regarding right hand.”

Between the time that Dr. Tait opined that the claimant needed no further treatment and the time that respondents decided to controvert this claim, claimant returned to River Valley Therapy for three more sessions of physical therapy (August 21, 23, 25). These records contain claimant's subjective reports as to how he is progressing, but there are no objective findings in any of these three

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reports.

Based on Dr. Tait's findings, respondents determined on August 24, 2023, that it would no longer recognize this as a compensable claim.

DOCUMENTARY EVIDENCE

Respondents submitted twenty pages of documentary evidence. Many of these are not particularly pertinent to the decision in this case. Claimant's Report of Injury Form is referenced below. On August 24, 2023, there was a letter to claimant denying his claim and on August 25, 2023, a request for a change of physicians was denied by the Medical Cost Containment Division of the Arkansas Workers' Compensation Commission (R.NM. pages 2, 13, 14). On September 1, 2023, Mr. Robert Montgomery, the Managing Attorney of the Public Employee Claims Division, wrote a letter to claimant explaining that his claim was denied due to no objective medical evidence of injury to either claimant's right upper extremity or left upper extremity.

ADJUDICATION

A. Claim for a right upper extremity injury.

Because the Employee's Report of Injury Form (R. NM. 5) attributed this injury as "repetitive cleaning and scrubbing," I requested that claimant clarify his claim. As recited above, he maintained it was a specific injury to his right arm on June 7, 2023, while engaged in employment activity. He was definite that nothing was wrong with his right arm before that date (T. 44).

To prove a compensable injury for a specific injury, the claimant must establish by a preponderance of the evidence: (1) an injury arising out of and in the course of employment; (2) that the injury caused internal or external 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

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Ann. § 11-9-102(16) establishing the injury; and (4) that the injury was caused by a specific incident and identifiable by time and place of occurrence. If the claimant fails to establish any of the requirements for establishing the compensability of the claim, compensation must be denied. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997).

Based on the medical records from Kirkland, I cannot find that claimant met his burden of proof that his injury arose from the course of his employment. He complained of an issue with his right hand during his examination on January 16, 2023. When he returned to Kirkland on June 15, 2023, he made no mention of a specific incident the week before at work, but rather related the problem back to what he had reported in January 2023. It is also curious that claimant told APRN Shockley about a nerve conduction study that had already been planned with a neurologist in July 2023; were it related to this injury, it would have had to have been scheduled between June 7, 2023, and June 15, 2023. No records from a neurologist—including a verification that an appointment had been scheduled after June 7, 2023—were submitted. Viewing all the evidence before me, the records indicate this was a problem that existed before June 7, 2023, and was not caused in the manner claimant alleged.

Further, the medical records do not show an objective finding of an issue with claimant's right arm. The EMG/NCV test was normal, as was the x-ray performed by Dr. Tait. Even conceding for the sake of argument that claimant had something wrong in his right arm, there are no medical records to support anything other than "bilateral mild lateral epicondylitis" (R.X. 60) and "bilateral mild CMC synovitis (R.X. 61); both of those diagnoses were due to claimant's report of tenderness, which are subjective findings, not the objective findings required by Ark. Code Ann. § 11-9-102(16).

Thus, as claimant complained of issues with his right hand that had nothing to do with his employment in January 2023, did not mention anything about an injury at work when he was seen at

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Kirkland on June 15, 2023, and because he failed to provide sufficient medical evidence of an objective finding on his right upper extremity, he has not met his burden of proof on that issue.

B. Claim for a left upper extremity injury.

After both sides rested, I asked claimant to be specific about what he was claiming as far as the injury to his left arm. The Prehearing Order said simply “On July 27, 2023, direct result of brace on right hand, sharp pains in left elbow—tennis elbow.” His testimony clarified that he believed that he suffered a gradual onset injury due to overuse of his left hand because of the restricted use of his right arm, and did not attribute the issue with his left arm to be related to a specific incident.

To be awarded benefits for a gradual onset injury, the claimant must prove several things: (1) the injury arose out of and in the course of employment; (2) the injury caused internal or external physical harm to the body, which required medical services or resulted in death or disability; (3) the injury was caused by rapid repetitive motion; (4) the injury was the major cause of the disability or need for treatment; and (5) the injury was established by objective medical findings. A.C.A. § 11-9-102(4)(D); *Malone v. Texarkana Public Schools*, 333 Ark. 343, 969 S.W. 2d 644 (1998) and *Hapney v. Rheem Mfg. Co.* 342 Ark. 11, 26 S.W.3d 777 (2000). Arkansas courts have set out a two-pronged test for such cases as the matter at bar. The claimant must engage in tasks that are repetitive and the repetitive motion must be rapid, *Malone*, supra.

Claimant’s testimony fails to support that he engaged in rapid repetitive motions during his custodial work. While claimant did not give a recitation of his job duties, during his testimony he told of cleaning toilets and stoves, wiping countertops, and scrubbing bathtubs. None of this kind of work qualifies as “rapid repetitive motion” activities.

However, that finding does not end the examination of the claim for a left arm injury. When

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a worker sustains a compensable injury, then every natural consequence of that injury is also compensable, *Hublely v. Best Western Governor's Inn*, 52 Ark. App. 226, 916 S.W.143 (1996). The basic issue is whether there is a casual connection between the initial injury and the alleged consequential condition. *Jeter v. B.R. McGinty Mechanical*, 62 Ark. App. 53, 968 S.W.2d 645 (1998). It is not hard to understand how working with restrictions on one hand could cause overuse on the other. However, there is the necessity of proving a compensable injury—in this case, to claimant's right hand—before a subsequent injury may be a natural consequence from that compensable injury. Failing to establish the issues with the right upper extremity was a compensable injury means that his claim for his left upper extremity must be denied on that basis as well as the failure to prove a gradual onset injury.

ORDER

For the reasons set out above, claimant has failed to meet his burden of proving by a preponderance of the evidence that he suffered a compensable injury on June 7, 2023 and has also failed to meet his burden of proof by a preponderance of the evidence that he suffered a compensable gradual-onset injury on or about July 27, 2023. Therefore, his claim for compensation benefits is hereby denied and dismissed.

Respondent is responsible for paying the court reporter her charges of \$858.00 for preparation of the hearing transcript.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE