BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H507437

ANA GARCIA, EMPLOYEE **CLAIMANT**

VS.

OK FOODS, INC., EMPLOYER **RESPONDENT**

OK FOODS, INC., INSURANCE CARRIER/TPA **RESPONDENT**

OPINION FILED JULY 22, 2026

Hearing before Administrative Law Judge, James D. Kennedy, on the 26TH day of May 2026, in Fort Smith, Arkansas.

Claimant is represented by Eddie Walker, Jr., Attorney at Law, of Fort Smith, Arkansas.

Respondents are represented by R. Scott Zuerker, Attorney at Law, of Fort Smith, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on the 26th day of May 2026, to determine the issue of compensability for an injury to claimant's left foot and ankle, plus temporary total disability, medical treatment, and attorney fees. The parties stipulated that the Arkansas Workers' Compensation Commission has jurisdiction of the within claim and that an employer/employee/carrier relationship existed on September 18, 2025, the date of the claimed injury in question. In regard to the average weekly wage, the parties agreed that they would work together to figure out the average weekly wage. The issues before the Commission at the time of the hearing are compensability of the injury to the left ankle and foot, related medical, TTD from the date of September 19th, 2025, through January 1, 2026, and attorney fees.

The claimant's and respondent's contentions are set out in their respective responses to the Pre-hearing Questionnaire and are attached as part of this opinion and attached hereto, as well as the Pre-hearing Order dated May 26, 2026. The claimant contends that she suffered a fall resulting in an injury to her left ankle and foot due to a slick floor which resulted from the use of dry ice. The respondents controverted the matter in its entirety. The sole witnesses consisted of Ana Garcia, 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. That an employer/employee/carrier relationship existed on September 18, 2025, the date of the claimed injury.
3. That the claimant has failed to prove by a preponderance of the credible evidence that she sustained a compensable work-related injury to her left ankle and foot on September 18, 2025.
4. That all remaining 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 are attached to and made a part of this opinion. Letters from River Valley Primary Care dated November 12, 2025, and also a work status note from Mercy Clinic Podiatry of the River Valley were made part of the record. Additionally, a Mercy Enterprise Statement in regard to payment was also made part of the record. The Claimant submitted an exhibit of medical records consisting of 37 pages and an exhibit of non-medical that consisted of two pages that were admitted without objection. The respondent's submitted four photos of the workplace that were introduced into the record without objection. A copy of the deposition of the claimant dated April 17th, 2026, was also admitted without objection. Additionally, the Respondents submitted an Initial Incident Report admitted without objection. Finally, the Respondents submitted 90 pages of medical records without objection.

The Claimant testified that she was at work for the Respondents on September 18, 2025. "I was working where I work, and all of a sudden I got dizzy and I fell down." In regard to her injury, she testified that "At the time I did not feel it, because they got me up and they took me to the Nurse's Station." "Once I was there, I started feeling pain in my foot." She went on to testify it was her left foot and her ankle on the back that broke. In regard to the cause of the fall, Claimant stated "The only thing that I know is that I was there and I fell down. And the only thing that was obstructing there is the – The only thing that was obstructing there is the combo." She explained that the combo was a container that you put the chicken in. She agreed that it could be referred to it as a metal container. The containers were usually cardboard. She explained that the cardboard containers sit flat on the floor and the metal ones have legs. The claimant was asked if she believed

her foot got caught under the metal container and she responded, “I did not know, because I fell down. But that was the only thing obstructing there. And that was the only thing that could have broken my ankle.” She also explained that there was dry ice on the floor that made it slick. She stated she went to the doctor on September 19th, had surgery on September 29th, and was released to return to work on January 1st, 2026. She denied working during that period of time. (Tr. 5 – 7)

During the above period of time, claimant admitted that she received medical treatment and admitted suffering falls at the Respondents prior to the September 18th incident but denied any previous broken bones. She also stated that normally cardboard containers were used but on the day of her fall, a metal container was used. (Tr. 8)

Under cross examination, the claimant was shown page 4 of Respondent’s Non-medical exhibit which pictured a metal container and a cardboard container, and the claimant stated that there was only a metal container present that day. The claimant was then asked if the cardboard container was sitting on a wooden pallet, and she responded yes. She agreed that the forklift had forks which were used to go under both the container and the wooden pallet and pick them up. She was then asked about the legs on the metal container and responded, “I think that it has got legs so they can move it.” In regard to falls while working for the respondent in the past, she responded that it was due to her having covid. She was questioned about falling four times and she responded “I have fallen on four different occasions, but one of those times it was not my fault. Because they pack chicken, they threw dry ice and they did not clean it up. So the ice dried up and when I went by there the ice was slippery. And I hurt my back. I hurt my hip. I hurt my legs.” (Tr. 9, 10)

The claimant was also questioned about being warned about her falls back in 2016, when seeing a Physician's Assistance in California. She denied falling while in California and denied being counseled about fall prevention. She did remember a Bone Density Study at Mercy Hospital. The claimant denied being diagnosed with Osteoporosis and being advised she had an increased chance of fractured bones. She admitted she had passed out when she fell on September 18th, 2025, but did not know what happened to her. She was then specifically questioned about whether the metal container had anything to do with her fall and she responded "I don't know. Because I fell down. And the only thing that was there obstructing was the metal container. The metal container was sitting to my left and the foot that I hurt was my left foot." The claimant was then asked the following question:

> Q: "And actually the next day, you told the doctor that you didn't know how you hurt your foot in the fall, correct?"
>
> A: "Yes. I told Rebecca and she saw that my foot was very swollen and she told me that she was going to give me a referral to go to Mercy to get some x-rays. Because she was afraid the foot was broken." (Tr. 11 – 13)

On redirect, the claimant denied that in her daily activities, she would walk on a surface with dry ice on it. She was then asked in her normal activities would she be exposed to a tripping hazard created by a metal container with elevated legs and she responded, "That day I don't know because I fainted. So I don't know. What I do know is that my foot was broken and the container was there." She also admitted she had been around the metal container before, while at the respondents. (Tr. 13)

On further cross examination, the claimant denied that her couch at home stood off the floor and denied that her chairs had legs. She admitted that her table had four legs but denied that her bed had legs. (Tr. 14)

The claimant's medical evidence included a nurse's notes dated September 18, 2025, which provided that the claimant had fainted, but when brought back in a wheelchair to the Nurse's Station, she was alert and oriented. A previous accident report provided the claimant had slipped and fell on her knees and face on July 31, 2024, and that she refused to go to the hospital. The report also provided she had fainted on April 1, 2025, and was brought to the nurse's station by wheelchair. Claimant was advised that the next time she felt dizzy, she should sit down, and someone should go and get the nurse. (Cl. Med. Ex. P. 1, 2)

A report from River Vally Primary Care dated September 19, 2025, provided that the claimant presented with the chief complaint of a left ankle injury, with swelling noted. The report provided that the claimant got dizzy at work and fainted and was told that her blood pressure was low. She somehow hurt her foot during her fall but did not know how and her foot had started bruising and swelling. An x-ray of the left foot and ankle provided for an oblique fracture of the lateral malleolus and fracture of the tip of medial malleolus. (Cl. Med. Ex. P. 3 – 10) A report from Mercy Hospital in Fort Smith on the same date provided that the claimant suffered from hypertension and hyperlipidemia and was provided hydroxyzine for sleep and that three x-rays of the left ankle were provided. (Cl. Med. Ex. P. 11 – 20)

The claimant presented to Dr. Tyler McKee on September 26, 2025, and the report provided claimant was a 70-year-old-women who presented with the chief concern of left

foot pain. Her foot was bruised from her mid leg down and she reported fainting at work and was thinking that when she did, her foot went under her. The claimant was informed that she had broken her left ankle. Four radiographs were taken of the left foot and ankle, and a spiral oblique fracture of the lateral malleolus and mild lateral displacement were noted. (Cl. Med. Ex. P. 21 - 25) The claimant returned to Dr. McKee on October 16, 2025. The report provided for the first post operative visit for an open reduction and internal fixation of the left ankle. (Cl. Med. Ex. P. 26 – 28) Claimant then again returned to Dr. McKee on November 12, 2025. The report provided that the claimant was 3 weeks postoperative and reported 0 out of 10 for pain. A letter from Rebecca Kesner, APRN, dated November 12, 2025, was also included which provided that the claimant was being seen for her postsurgical care. (Cl. Med. Ex. P. 29 – 32) The final visit of record to Dr. McKee occurred on November 25, 2025. The report provided that the claimant's pain was now 6 out of 10. Additionally, the claimant reported that the pain in her ankle was the result of her living situation due to her residing on an upper floor. The claimant expressed a desire to return to work. The report stated that a return-to-work note would be provided, and the claimant could return to work without restrictions as long as her pain level did not exceed 6 out of 10. (Cl. Med. Ex. P. 33 – 37)

The claimant also submitted two pages of non-medical evidence that was admitted without objection. The claimant received a work status note from River Valley Primary Care on December 12, 2025, which provided that the claimant had experienced an injury at work September 19, 2025, and had been referred to an orthopedic surgeon for surgery on September 29, 2026. (Cl. Non Med. P. 1) A document from Mery Clinic Podiatry River

Valley provided that the claimant was seen in the clinic on October 25, 2025, and could return to work with no restrictions on January 1, 2026. (Cl. Non Med P. 2)

The respondents submitted four photos of the site of the fall including the metal container that were admitted without objection. (Resp. Non Med.1 , P. 1 – 4) The respondents also submitted the deposition of the claimant taken on April 17, 2026, which provided that the claimant had testified that she had fainted and fallen while working for the Respondent. She admitted going to the Santa Barbara Neighborhood Clinic in Santa Barbara but denied being instructed about a fall danger. In regard to a question about hypertension, claimant responded “It is a little bit elevated but not much.” She also denied that over the years they had increased the little pill that she takes for hypertension. She admitted to falling three times while working for the respondent. When specifically asked about fainting at work in April of 2024, and being taken to the Nurse’s Station in a wheelchair, she responded it was due to Covid. In regard to her most recent fall working for the respondent, she stated she thought she got her foot caught in the metal container but admitted she did pass out or faint. She also stated that she had been released from work until January 1st, of this year. The claimant also testified that she had been fired around October or November of the past year due to her accumulated points. Two pages of non-medical which included a safety procedure report which provided that drug and alcohol tests were performed, the claimant had slipped on her way back from her break, landed on her knees and face, and that the incident was reported to the Nurse’s Station. The report appeared to be dated July 31, 2024, and provided the floor looked clean but was slippery.

The Respondent's also submitted 90 pages of medical which was admitted without objection. An office visit with PA Lynn Shoemaker of Santa Barbara Neighborhood Clinic, dated December 7, 2016, provided claimant was assessed with hypertension and was going to be treated with and started on 20mg of Lisinopril tomorrow for treatment of the hypertension and the patient plan provided for fall prevention. The report additionally provided the claimant had been prescribed different does of Lisinopril since the date of May 18, 2015, when she was started on a 10mg tablet that was increased to a 30mg tablet on July 20, 2015, and then back to a 20mg tablet on December 7, 2016, which was then reduced to a 10mg tablet on October 5, 2016. (Resp. Med. Ex. 1-4)

A nurse's note dated October 14, 2020, provided the claimant was brought back to the nurse's station and appeared diaphoretic and warm to the touch. The claimant stated it was the first time that she had passed out. The Claimant was provided an icepack and water to drink at the time. (Resp. Med. Ex. P. 5)

The claimant presented to APRN Rebecca Kesner on October 14, 2020. The report provided claimant presented with syncope and needed a release to return to work. The claimant had "passed out" while at work for Tyson. She felt very hot and diaphoretic and sat down on the floor, but did not feel she had lost consciousness. At the time, the claimant was on a 30mg tablet of Lisinopril. Her medical history listed hypertension. (Resp. Med. Ex. P. 6 – 15)

A nurse's note dated July 9, 2021, provided the claimant had been experiencing dizziness and hot spells. The claimant explained that someone had given her a cold medication from Mexico. (Resp. Med. Ex. P. 16) The claimant then presented to PA James Saunders on July 9, 2021. This report provided claimant presented with syncope

after taking a cold medication and that she suffered from hypertension and hyperlipidemia along with prediabetes. She was sent home due to her syncopal episode. The report provided she was taking a 40mg tablet of Lisinopril at the time. (Resp. Med. Ex. P. 17 – 28) A nurse's note dated June 16, 2022, provided that the claimant had slipped on some water and chicken skin and landed on her bottom and wanted to make a statement to let the respondent know about the incident. (Resp. Med. Ex., P. 29)

The claimant again visited APRN Rebecca Kesner on August 16, 2023, and the report provided that the claimant was negative for dizziness and headaches and was still on 40mg of Lisinopril. (Resp. Med. Ex. 4 P. 30 – 35) A nurses note on January 16, 2024, provided that a call was made from the break area for a person that appeared to be dizzy with decreased vision. (Resp. Med. Ex. P. 36) The claimant then presented to APRN Erica Fowler on January 23, 2024, with a chief complaint of dizziness and fatigue. The report provided the claimant had two episodes of dizziness within the last week which occurred while changing positions. The claimant was still on 40mg of Lisinopril daily, at the time. (Resp. Med. Ex. P. 37 – 42)

A nurse's report dated April 1, 2024, provided claimant had fainted and was wheelchaired back to the Nurse's Station. The claimant was advised that the next time she felt dizzy, to send someone to get her. (Resp. Med. Ex. P. 43) Another nurse's report on July 31, 2024, provided that the claimant had slipped and fell on her back and landed on her knees and face and refused to go to the hospital (Resp. Med. Ex. P. 44)

Mercy Clinic records dated May 1, 2025, provided claimant was still on 40mg of Lisinopril and had received a bone density test which provided for diagnosis of osteopenia. (Resp. Med. Ex. P. 45 – 65) Claimant then presented to APRN Rebecca

Kesner on September 9, 2025, with a chief complaint of hypertension and diabetes. The report provided claimant was negative for dizziness and headaches. (Resp. Med. Ex. P. 66 – 72) A nurse's note dated September 18, 2025, provided claimant had fainted and hypotension was noted. (Resp. Med. Ex. P. 73) The claimant then returned to APRN Rebecca Kesner on September 19, 2025. The report provided that the claimant had presented with a bruised and swollen ankle, had gotten dizzy at work and fell, and was told her blood pressure was low. X-rays of her ankle were taken which provided for a fracture of the lateral malleolus and a fracture of the tip of the medial malleolus. (Resp. Med. Ex. P. 74 – 81) The final report submitted by the Respondent provided claimant had fainted at work and was thinking that her feet went under her. She was on 40mg of Lipitor at the time of the report. (Resp. Med. Ex. 4, 82 – 90)

DISCUSSION AND ADJUDICATION OF ISSUES

In regard to the primary issue of compensability, the claimant has the burden of proving by a preponderance of the evidence that she is entitled to compensation benefits for the injury to her left ankle and foot. 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. Ark. Code Ann §11-9-704. *Wade v. Mr. Cavananugh's*, 298 Ark. 364, 768 S.W. 2d 521 (1989). Further, the Commission has the duty to translate evidence on all issues before it into findings of fact. *Weldon v. Pierce Brothers Construction Co*., 54 Ark. App. 344, 925 S.W.2d 179 (1996). The claimant has the burden of proving that her injury was the result of an accident that arose in the course of her employment and that grew out of or resulted from her employment. *Moore v. Darling Store Fixtures*, 22 Ark. App. 21, 732 S.W.2d 496 (1987). "Arising out of the employment"

refers to the origin or cause of the accident, while “in the course of employment” refers to the time, place and circumstances under which the injury occurred. *Little Rock Convention & Visitors Bureau v. Pack*, 60 Ark. App. 82, 959 S.W. 2d 415 (1997).

In the present matter, the claimant testified “I was working where I work, and all of a sudden I got dizzy and I fell down.” She also admitted she had passed out when she fell on September 18th, 2025, and did not know what happened to her. The syncopal episode that the Claimant suffered from on September 18, 2025, could be considered an idiopathic matter. An idiopathic injury is one whose cause is personal in nature or peculiar to the individual. *Crawford v. Single Transportation*, 87 Ark. App. 216, 189 S.W.3d 507 (2004). Injuries sustained due to an unexplained cause are different from injuries where the cause is idiopathic. When a claimant suffers an unexplained injury, it is generally compensable. Because an idiopathic injury is not related to employment, it is generally not compensable unless conditions related to the employment contribute to the risk. Employment conditions that may contribute to the risk or aggravate the injury include placing the employee in a position that increases the dangerous effect of a fall such as a height, near machinery or sharp corners, or in a moving vehicle. *Crawford v. Single Transportation*, supra.

In the present matter, the medical history of the Claimant is relevant in regard to the incident on September 18, 2025. The claimant has been treated for high blood pressure for a number of years and prescribed Lisinopril, a common medication used in the treatment of hypertension, in various dosages modified both up and down, over a period of years. The claimant had numerous syncopal episodes over the period, even while residing in California. Her California medical records mentioned fall dangers. The

claimant admitted that she had suffered at least three syncopal issues while working for the Respondent and was taken to the nurse's station by wheelchair more than once. The records provided she had also suffered syncopal issues with prior employers.

The claimant attempted to explain these occurrences by contending that the metal container had legs that she was not familiar with and that a cardboard box was generally there. However, she admitted that the cardboard box sat on a pallet so that it could be picked up by a forklift, so she was aware of various obstacles in her work area. The claimant also denied that her medications had changed or increased but her medical records clearly provided she was taking a higher milligram dose of Lisinopril at the time of the incident than she was years earlier. The claimant clearly wanted to work, but her testimony was not convincing or persuasive in regard to her medical history and past syncopal issues.

Based upon the evidence presented, particularly claimant's past history provided in her medical records, and the past incidents that occurred while working for the Respondent and previous employers, it is found that based upon the totality of the evidence, the syncopal episode on September 18, 2025, was in fact idiopathic in nature and not the result of her employment with the respondent. Here, the basic cause of the harm is personal, and her employment did not significantly add to the risk. See *Nu-Way Laundry & Cleaners, v. Palmer*, 12 Ark. App. 31, 670 S.W2d 464. It is noted that even if a claimant suffers an idiopathic injury, it may be compensable if the employment conditions contribute to the risk or aggravate the injury placing the employee in a position that increases the dangerous effect of a fall, such as a height, near machinery or sharp corners, or in a moving vehicle. See *Crawford v. Single Source Transportation*, supra. In

the present matter, it is found that claimant's basic cause of harm was personal. Further, the claimant admitted that she did not know what happened but contended she might have caught her feet under the metal container on a slick floor due to dried dry ice. This would require speculation and conjecture which cannot be substituted for credible evidence by the Commission. *Dena Construction Co. v. Herndon*, 264 Ark. 791, 575 S.W.2d 155 (1979)

After weighing the evidence impartially, without giving the benefit of the doubt to either party, there is no alternative but to find that the claimant has failed to prove by a preponderance of the credible evidence that her claim for an injury to her left foot and ankle on September 18th, 2025, is a compensable claim under the Arkansas Workers' Compensation Act. If not already paid, the respondents are ordered to pay the cost of the transcript forthwith.

IT IS SO ORDERED.

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JAMES D. KENNEDY
Administrative Law Judge