

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM No H307394**

PATRICE GILMER, EMPLOYEE	CLAIMANT
WAL-MART ASSOCIATES, INC., SELF- INSURED EMPLOYER	RESPONDENT
WAL-MART CLAIMS SERVICES, THIRD-PARTY ADM'R	RESPONDENT

OPINION & ORDER FILED 30 SEPTEMBER 2025

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 3 July 2025 in Pine Bluff, Arkansas.

The claimant was represented by the Gary Davis Law Firm, Mr. Gary Davis.

The respondents were represented by Newkirk & Jones, Mr. Rick Behring.

STATEMENT OF THE CASE

A Prehearing Order was filed on 11 March 2025 and admitted to the hearing record without objection as Commission's Exhibit No 1. Consistent with that Order, the parties agreed to the following:

STIPULATIONS

1. The Commission has jurisdiction over this claim.
2. The self-insured employer/employee/third-party administrator relationship existed at all times relevant to these claims.
3. The respondents initially accepted this claim but have since controverted this claim for any additional benefits.¹
4. The claimant's average weekly wage of \$559.21 would entitle her to weekly benefits in the amounts of \$373 for temporary total disability (TTD) and \$280 for permanent partial disability (PPD).

¹ As noted in the respondents' contentions below, the respondents have denied this claim in its entirety after providing some initial benefits at the outset claim.

ISSUES

1. Whether the claimant sustained compensable injuries to her back and right lower extremity by specific incident on 27 October 2023.²
2. Whether the claimant is entitled to TTD benefits for a period to be determined.
3. Whether the claimant is entitled to medical benefits.
4. Whether the claimant is entitled to an attorney's fee.

All other issues have been reserved.

CONTENTIONS

The Prehearing Order incorporated the following contentions from the parties' respective prehearing questionnaire responses:

Claimant

The claimant contends that she sustained compensable injuries to her right knee on 27 October 2023. She was seen by Dr. Lawrence O'Malley, with the UAMS Orthopedic Clinic, who recommended surgery. Respondents have refused to authorize the same. Claimant contends entitlement to TTD benefits and medical treatment (including but not limited to recommended surgery). These matters are controverted for purposes of attorney's fees.

Respondent

The respondents contend that this claim has been denied and controverted in its entirety. The claimant did not sustain a compensable back injury while employed by Respondent employer. The claimant did not sustain a compensable right lower extremity (knee) injury while employed by the respondent employer. The claimant cannot meet her burden of proving the alleged back and right lower extremity conditions resulted from a specific incident on or about 27 October 2023. The claimant's condition preexisted the alleged incident and/or arose from an idiopathic event and not the result of a specific incident. The claimant voluntarily abandoned her position with the respondent. The claimant is not entitled to any benefits, as the claimant's need for medical treatment, if any, is unrelated to her employment for the respondent. Instead, the claimant's physical problems and need for

² At the beginning of the hearing, the parties agreed that the alleged compensable injuries were by specific incident on 27 October 2023.

treatment (if any) are related to a pre-existing and/or degenerative condition and not the result of her work for the respondent-employer. In the alternative, if it is determined the claimant sustained a compensable injury, the respondent initially paid for medical treatment and temporary disability benefits through 12 August 2024. After investigating the claim, the respondent then controverted this claim in its entirety. In the alternative, if it is determined the claimant sustained a compensable injury and is entitled to any benefits, the respondent hereby requests a setoff for all benefits paid by the claimant's group health carrier, all short-term disability benefits received by the claimant and all unemployment benefits received by the claimant.

FINDING OF FACTS AND CONCLUSIONS OF LAW

Having reviewed the record as a whole, including the evidence summarized below, and having heard testimony from the witnesses, observing their demeanor, I make the following findings of fact and conclusions of law under Ark. Code Ann. § 11-9-704:

1. The Commission has jurisdiction over these claims.
2. The stipulations as set forth above are reasonable and are hereby accepted.
3. The claimant failed to prove by a preponderance of the evidence that she suffered a compensable injury by specific incident to her right lower extremity.
4. The claimant failed to prove by a preponderance of the evidence that she suffered a compensable injury by specific incident to her back.
5. Because the claimant failed to prove a compensable injury, the remaining issues are moot and will not be addressed in this Opinion.

ADJUDICATION

The stipulated facts are outlined above and accepted. It is settled that the Commission, with the benefit of being in the presence of a witness and observing their demeanor, determines a witness' credibility and the appropriate weight to accord their statements. *Wal-Mart Stores, Inc. v. VanWagner*, 337 Ark. 443, 990 S.W.2d 522 (1999). A claimant's testimony is never considered uncontroverted. *Nix v. Wilson World Hotel*, 46 Ark. App. 303, 879 S.W.2d 457 (1994). The determination of a witness' credibility and how

much weight to accord to that person's testimony are solely up to the Commission. *White v. Gregg Agricultural Ent.*, 72 Ark. App. 309, 37 S.W.3d 649 (2001). The Commission must sort through conflicting evidence and determine the true facts. *Id.* In so doing, the Commission is not required to believe the testimony of the claimant or any other witness but may accept and translate into findings of fact only those portions of the testimony that it deems worthy of belief. *Id.*

SUMMARY OF THE EVIDENCE

The claimant was the only witness to testify. The record consists of the hearing transcript and the following exhibits: Commission's Exhibit № 1 (the 11 March 2025 Prehearing Order); Claimant's Exhibit № 1 (two index pages and 102 pages of medical record); Respondents' Exhibit № 1 (one index page and seven pages of medical records); Respondents' Exhibit № 2 (one index page and four pages of non-medical records); and Respondents' Exhibit № 3 (a disc containing security camera footage of the claimant's work area on the day of her alleged injuries).

Hearing Testimony

Claimant Patrice Gilmer

The claimant is 54 years old with some college and vocational training. She began working for the respondent-employer Walmart in the Spring of 2023. On 27 October 2023, the time relevant to this claim, she was working as an attendant at the self-checkout area of the Walmart in Stuttgart, Arkansas. The claimant testified that her job duties generally included providing assistance to customers as they made purchases, helping with the registers, moving shopping baskets, and collecting return items.

According to the claimant's testimony, she "was working and when all the customers got down quiet, they left—it was just me and another co-worker, and I was, you know, finishing up, and I went to go get a basket—I was going out the outside, the entrance to go

get a basket, and I was walking, halfway through walking to go get a basket, I heard my knee and my back pop.” [TR at 17.] She went on to explain that she leaned on an empty shopping cart for support before using an electric scooter to leave her work area and shop for a knee brace. She then returned to her work area, where she sat on the scooter before a supervisor told her she could leave.

The claimant left work and drove to the Forrest City Medical Center, where she was seen in the emergency department. Then, on 2 November 2023, she was seen at an urgent care clinic in Wynne, Arkansas, and by Dr. James Meredith at his clinic in Forrest City, Arkansas. Eventually, the claimant was referred to physical therapy. She continued physical therapy for some time until an MRI scan was ordered for her right knee. That scan was reviewed by Dr. Lawrence O’Malley, who recommended surgery. The respondents denied the claimant’s request for knee surgery and controverted her claim in its entirety from that point forward. Describing the difficulty she experiences with her knee, the claimant testified:

It’s like my knee. It’s like my leg. I have a lot of cramps, behind this, all the time, and I have—I have pain—even when I’m driving, I have pain, all down to my toes. It’s like my toe—my feet kind of went over a little bit. ‘Cause I got some stuff from studying. They said if you don’t get them, you will need to tell, it can cause... I majored in nursing.

[TR at 34.]

The claimant stated that she has not worked since her alleged injury on 27 October 2023. When asked about her alleged back injury, the claimant stated:

Yeah, I still have problems. I even visit my—don’t nobody want to mess with me, ‘cause they say it’s a workers’ comp case. I’m using my primary care, you know, two of them, ‘cause they don’t—this is a workers’ comp case. So... I still have pain on this right side. I don’t know where—but like I said, I had a pop.

[TR at 36-37.]

On cross-examination, the claimant reluctantly acknowledged that she had seen Dr. Meredith and complained of right knee swelling in April of 2023.

Q: ... Does that say, "Pain in the right knee"? Did I read that correctly?

A: Yes, it's probably 'cause I was standing.

Q: Did I read that correctly?

A: Yes. Yeah.

Q: All right. All right. And you were having—sounds like you were having pain in your right knee, because you were doing some standing, huh?

A: Well, at my sister's house, helping her.

Q: Is that a yes, ma'am?

A: That's right, yes.

Q: All right.

A: Uh-huh.

Q: And that was before you worked at Walmart, correct?

A: Yes, 'cause I was helping my sister. Uh-huh.

Q: And it also says on page 2 here that you had chronic stiffness in your knees, is that correct?

A: That's what they said. I still have it. I mean, I didn't have it as bad. I have it real bad now.

[TR at 42-43.] She also acknowledged some popping in her knees prior to 27 October 2023.

The claimant confirmed in her testimony that the work area floor was free of any hazard or obstruction when she suddenly felt a "pop" in her back and in her knee. She did not slip, trip, or stumble. Nor did she fall.

A: Sir, I was walking when it happened. All my customers was finished.

Q: Ms. Gilmer, you were simply walking at the time?

A: Correct.

[TR at 52.] She also acknowledged that immediately following the incident and before leaving work that day, she did not ask for medical treatment. Still, she drove herself from Stuttgart to the emergency department in Forrest City. The medical records from that visit indicate no mechanism of injury associated with her complaints.

The claimant reluctantly agreed that she was offered and refused light duty work within her physician-ordered restrictions sometime after the incident.

Q: All right. Isn't it true that Walmart, then, offered you work within those work restrictions, the desk-duty only?

A: Yes. They said—I think, they said desk duty, but I know they don't have desk duty there.

Q: Okay. Is that a yes.

A: Yes, that's what they said.

Q: All right. And you decided you didn't want to do that, is that correct? And you refused the light duty assignment they had given you?

A: I wouldn't say—necessarily, call it refused. It was a reason why.

Q: They offered it to you, correct?

A: Yes.

Q: And you told them you didn't want to do it, correct?

A: I wasn't trying to get out of work, sir.

[TR at 60-61.] She confirmed, too, that she has not sought any work since 27 October 2023.

Respondents' Witness Mr. Aaron Joseph Mertz

Mr. Mertz testified that he works in human resources at the Walmart in Stuttgart and that he was familiar with the claimant and her case. He reviewed the security footage of the claimant's work area and confirmed that it accurately depicted how she walked and moved about prior to the incident related to this claim. Mr. Mertz confirmed that the claimant was offered light duty work and that she refused the same.

Medical Evidence

The record from the claimant's 27 October 2023 emergency department visit includes:

PRESENTATION

Presenting complaint: Patient states: heard popping in leg near knee and hip while walking, denies falling. A primary survey was performed and any issues related to ABC's were addressed and/or cleared. Mechanism of Injury: No Mechanism of Injury.

...

TRIAGE ASSESSMENT

Pain: Complains of pain in right knee and right shin. Quality of pain is described as aching. Pain currently is 10. Level that is acceptable is 0 out of 10 on a pain scale.

Injury Description: no injury noted.

...

HISTORICAL

PMHx: None

...

DIAGNOSIS

Sprain of unspecified site of right knee, initial encounter

...

HPI

The patient presents with pain, that is acute. The complaints affect the right knee. Context: The problem was sustained at work, resulted from twisting the extremity. The patient is not able to bear weight. Onset: The symptom(s)/episode began/occurred 2 day(s) ago... Patient states she was walking from 1 register to the other felt a popping in her right knee...

[Cl. Ex. № 1.] The claimant was discharged home with crutches and directed to follow-up with Dr. James Meredith (her primary care physician (PCP)) as needed.

On 2 November 2023, the claimant presented to an urgent care clinic in Wynne, Arkansas. The notes from that visit include:

HPI

Pain, Knee [Pt states she was walking at work on Friday 10/27 and twisted her right knee and heard a pop. She went to the ER directly after the fall and had an Xray which pt reports was normal.

PMH

Past Medical History is unremarkable

...

ASSESSMENT/PLAN

Sprain of unspecified site of right knee, initial encounter- Uncomplicated

She was told to continue taking medication for pain and swelling as needed and referred for physical therapy. The clinic provided a work note that anticipated the claimant returning to work the following week.

Also on 2 November 2023, the claimant presented to her PCP Dr. James Meredith's clinic. The notes from that visit include:

REASON FOR APPOINTMENT

1. ER Follow Up- Torn ligament.
2. Hurt R knee on 10/27/23; went to FCMC ER; using crutches and has knee brace on.
3. X-rays in ER were negative.

ASSESSMENT

1. Sprain of unspecified site of right knee, subsequent encounter
2. BMI 31-31.9, adult
3. Dietary counseling and surveillance

FOLLOW UP

prn

PROCEDURE CODES

G8417 BMI >= 30 Calculate w/ Follow up

The following week, on 9 November 2023, the claimant returned to the urgent care clinic in Wynne.

HPI

f/u R knee pain- states that she is taking Naprosyn for the pain- also got a knee brace and wants to know if she can get a different one that Medicaid will cover.

...

ASSESSMENT/PLAN

Awaiting approval from Work Comp for PT. Will put PT off 1 more week for PT to be approved and evaluate PT.

RX written and given to pt for knee immobilizer.

Instructed Pt to use the brace but ensure that she is stretching her right leg as well. Tylenol/Motrin for pain.

A work note is indicated in the record, but a copy of the note was not provided for that visit.

The claimant returned to the urgent care clinic again on 16 November 2023. She reported that she was waiting for payer approval for a knee brace and physical therapy. Another work note was provided, keeping the claimant off work until 30 November 2023.

The records indicate that the claimant began physical therapy on 27 November 2023. Portions of the notes from that visit include:

HPI

Mrs. Gilmer is a 53 year old female who presented today with diagnosis of R knee sprain. Pt reported that she had [an] incident at work where her knee and back popped on Oct. 8 2023. Pt reported that she did not fall but had to hold on to buggy. Pt reported that she had X-rays that showed soft tissue damage per her report. Pt stated that she has been using a knee brace and crutches since incident and is currently off work. Pt stated that she has pain when she puts all her weight on her knee.

...

MEDICAL HISTORY REVIEW

The patient has a history of present problem with a history of 1-2 personal factors and/or comorbidities that impact the plan of care.

...

ASSESSMENT/DIAGNOSIS

... Pt has increased pain with WB'ing but no laxity was determined with ligament testing today. Pt pain is global in knee but seems to be more isolated at times to lateral knee. Pt ROM is doing well and swelling has improved per patient report.

The claimant was to return for physical therapy two times per week for the next four weeks.

The claimant returned to the urgent care clinic again on 30 November 2023, where she complained of continued pain, not having the correct knee brace, and “wants to talk about last day of work due to not being paid for those days.” She was told to continue with physical therapy and wearing the brace she was wearing. A work note with some restrictions was indicated in the record from that visit, but the claimant did not provide a copy of that work note.

On 14 December 2023, the claimant presented to the urgent care clinic again and complained of increased pain in her knee. She was referred for an MRI; and a work note was indicated again. She returned again the following week (21 December 2023) and requested another work note. The clinic provided a note excusing her from work until 4 January 2024. She was to follow up at the clinic in another two weeks. Then, on 5 January 2024, the claimant returned to obtain another work note. This note excused her from work “TBD after MRI.”

The claimant continued to attend physical therapy for the next couple of months. On 27 February 2024, the therapy note included:

Mrs. Gilmer arrived with slight limp, ambulating independently. Patient stated she has self-diagnosed herself with IT Band Syndrome and knows that is the root of her issues. Patient has MRI appointment this Friday. Patient questioned PTA entire treatment for PTA to diagnose her with “torn ligaments.” PTA and PT respectfully answered patient that we only treat what was written [on the] prescription from MD and cannot diagnose. Patient was able to transfer from stationary bike with no difficulty, standing twisting to turn and to walk with no complaints. Patient was able to internal rotated hip in supine position with knee flexed over 90 degrees to take off shoe with no complaints...

An MRI study was performed on 1 March 2024:

IMPRESSION

1. PHMM root moderate macerated tear.
2. Moderate patellofemoral and moderate to severe medial compartments osteoarthritis.
3. Large joint effusion.

The claimant presented back to the urgent care clinic on 5 April 2024, where she was diagnosed with a medial meniscus tear. She was provided with a note for her return to work on 19 April 2024.

On 3 June 2024, the claimant saw Dr. Lawrence O'Malley, an orthopedic surgeon, but she did not have the disc from her MRI scan with her for his review that day. She returned to Dr. O'Malley's office on 5 August 2024 with the disc. The images were reviewed, and the claimant indicated that she wished to undergo arthroscopic surgery to repair the meniscal tear.

The claimant returned to Dr. Meredith's office on 14 August 2024 with a complaint of lumbar pain. "Explained that her low back pain may be coming from walking different due to her knee pain. Will x-ray if it continues...." She complained that her workers' compensation claim had been denied as a pre-existing problem and requested a note for more time off work. According to the note from that visit, the claimant refused to weigh, so her previous weight was indicated.

The claimant presented to Dr. Meredith's office again on 28 August 2024, where she complained of ongoing knee and back pain and again requested a note taking her off work. "She still has questions about being in menopause and if that can be causing any of her joint issues. I have done an FSH [follicle-stimulating hormone test] in the past and she is menopausal. I do not think menopause is causing any of her issues. Lumbar and thoracic X-rays were ordered, and she was noted as being prediabetic with elevated blood sugar.

She returned to Dr. Meredith's office on 2 October 2024, where she complained about her knee pain and about the healing of a hand surgery not related to her workers' compensation claim. In subsequent visits, the claimant continued to make complaints about her knee and other conditions.

The respondents provided a note from the claimant's 20 April 2023 visit (predating the start of her employment) with Dr. Meredith. That note included:

ASSESSMENTS

Pain in right knee
Pain in left knee
Pain in right shoulder
Pain in left shoulder
Other chronic pain
BMI 31.0-31.9
Dietary counseling

TREATMENT

1. Pain in right knee, IMAGING: X-ray, Right Knee, Notes: I think she would benefit more from seeing an orthopedic doctor than a chiropractor. I think she has osteoarthritis. She has been given Meloxicam, but does not want to take any medication. Will send her for x-rays at FCMC today. Referral To: Stacy Busby, Orthopedic Surgery, Reason: bilateral knee and shoulder pain.

...

HPI

Patient presents complaining of chronic stiffness and pain in her knees and shoulders. Her left knee is the worst. She was seeing a chiropractor, Dr. Scarborough, but he no longer takes her insurance. She was on BCBS, and is now on Medicaid. She has been to ortho, but it was years ago. She denies all other complaints.

[Resp. Ex. № 1]

On 5 August 2024, Dr. O'Malley wrote a work note for the claimant returning her to work in a desk-duty capacity.

Video Evidence

The respondents provided a disc with security camera footage of the claimant's work area around the time of her alleged injury. [Resp. Ex. № 3.] The video shows her moving about the self-checkout area. According to the time stamp, the video starts at 2:46 PM. The

claimant appears to walk with a noticeable limp, dragging her right leg at times. She regularly has a hand pressed against the small of her back and hip.

At about 3:46 PM, she is walking in the center of the checkout area when her right knee appears to buckle. She takes another step and speaks with someone who she identified in her testimony as a supervisor. He leaves and returns with an empty shopping cart for the claimant to lean against. She then leaves the video frame.

The claimant returns to the video frame briefly around 4:17 PM riding on an electric shopping scooter. At 4:22 PM, she returns and rides back into view on the scooter before leaving again at 4:24 PM. She returns into view at 4:27 PM and talks with another employee overseeing the checkout area. The claimant remains seated on the scooter, but twists and turns in the seat as they talk. Before the video ends, she walks around the scooter for a moment with a much more noticeable limp. She appears to be wearing the knee brace that she discussed in her testimony.

DISCUSSION

I. **THE CLAIMANT HAS FAILED TO PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT SHE SUSTAINED COMPENSABLE INJURIES TO HER RIGHT KNEE AND BACK.**

The claimant alleges that she sustained compensable injuries to her back and right knee by specific incident on 27 October 2023 while working in the self-checkout area at the Walmart in Stuttgart. The respondents provided some benefits at the outset of her claim; but they denied her claim and controverted it its entirety after she obtained an MRI and an orthopedic surgeon reviewed the findings of the MRI study. The respondents contend that the claimant's alleged injuries were pre-existing and/or of a degenerative nature and that any injury she might have sustained was idiopathic in nature.

Under Arkansas' Workers' Compensation laws, a worker has the burden of proving by a preponderance of the evidence that she sustained a compensable injury as the result of

a workplace incident. Ark. Code Ann. § 11-9-102(4)(E)(i). A compensable injury must be established by medical evidence supported by objective findings. Ark. Code Ann. § 11-9-102(4)(D). Objective medical findings are those findings that cannot come under the voluntary control of the patient. Ark. Code Ann. § 11-9-102(16)(A)(i).

The claimant alleges that her injuries occurred by specific incident. The claimant must establish four (4) factors by a preponderance of the evidence to prove a specific incident injury: (1) an injury occurred that arose out of and in the course of his employment; (2) the injury caused internal or external harm to the body that required medical services or resulted in disability or death; (3) the injury is established by medical evidence supported by objective findings, which are those findings which cannot come under the voluntary control of the patient; and (4) 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). If a claimant fails to establish by a preponderance of the evidence any of the above elements, compensation must be denied. *Id.*

An idiopathic injury is one whose cause is personal in nature, or peculiar to the individual. *Kuhn v. Majestic Hotel*, 324 Ark. 21, 918 S.W.2d 158 (1996); *Little Rock Conv. & Visitors Bur. v. Pack*, 60 Ark. App. 82, 959 S.W.2d 415 (1997). Injuries due to an unexplained cause are different from those whose cause is idiopathic. *ERC Contractor Yard & Sales v. Robertson*, 335 Ark. 63, 977 S.W.2d 212 (1998). An unexplained injury at work is generally a compensable one. *Pack, supra*. On the contrary, since an idiopathic injury is not related to one's employment, it is generally not compensable unless conditions related to the employment contribute to the risk of injury or aggravate the injury. *Id.*

A. The Claimant's Alleged Right Lower Extremity Injury

The claimant argues that her right meniscus tear is a compensable injury. I find, however, that her alleged knee injury was idiopathic. She testified that she did not slip or trip or stumble on any uneven surface or any hazard on or around the floor of her work area on 27 October 2023. She was “simply walking” at the time that she claims she heard a pop in her knee. Reviewing the video, she indeed appears to be simply walking when her knee buckles. While she was limping notably before that incident, she appeared to be in more pain afterwards.

The respondents introduced a physician's note that showed the claimant clearly had a prior history of knee pain, and Dr. Meredith believed at the time that she was suffering from osteoarthritis in her knees (which the MRI later confirmed). But the claimant presented no evidence to suggest that the conditions of her employment caused a new injury or aggravated a previous injury. Instead, the video and her testimony preponderate in favor of finding that she did not sustain a compensable injury because her right knee condition did not arise out of and in the course of her employment. Because she has failed to prove by a preponderance of the evidence that she suffered a compensable injury by specific incident to her right knee, her claim for the same must fail.

B. The Claimant's Alleged Back Injury

The claimant has failed to prove by a preponderance of the evidence that she suffered a compensable back injury. While she claims that she heard her back “pop” at the same time as her right knee, the records show no report of a back injury until 14 August 2024—ten months after the date of her alleged injuries.³ A causal relationship may be

³ I am mindful that a physician's note suggests that when the claimant did eventually complain of back pain, it was potentially attributed to her altered gait being associated with an unrepaired meniscal tear. When a claimant suffers a compensable injury, every natural

established between an employment-related incident and a subsequent physical injury based on the evidence that the injury manifested itself within a reasonable period of time following the incident, so that the injury is logically attributable to the incident, where there is no other reasonable explanation for the injury. *Hall v. Pittman Construction Co.*, 234 Ark. 104, 357 S.W.2d 263 (1962). This, though, did not occur here. In light of the foregoing, to attribute her eventually reported injury to the incident on 27 October 2023 would require me to engage in speculation and conjecture; and that I cannot do. *See Dena Construction Co. v. Herndon*, 264 Ark. 791, 575S.W.2d 155 (1979). The evidence plainly does not suggest that she suffered any compensable injury to her back, as she claims, by specific incident on 27 October 2023. Her claim for a compensable back injury must, therefore, fail.

Because the claimant has failed to prove by a preponderance of the evidence that she sustained a compensable injury, the other issues, including her claim for an attorney's fee, are moot and will not be addressed in this Opinion.

CONCLUSION

The claimant has failed to prove that she sustained any compensable injuries. This claim is therefore denied and dismissed.

SO ORDERED.

JayO. Howe
Administrative Law Judge

consequence of that injury is also compensable. *Hubley v. Best Western Governor's Inn*, 52 Ark. App. 226, 916 S.W.2d 143 (1996). But here, the claimant did not allege that she suffered a back injury as a compensable consequence of her alleged knee injury. She alleged that her back was injured by specific incident at the same time that her was injured. Even if she had alleged a back injury as a compensable consequence, that claim would fail because she has failed to prove by a preponderance of the evidence that she suffered a compensable knee injury.