

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H404078**

**MARCIE HILL, EMPLOYEE**

**CLAIMANT**

**SILICA TRANSPORT, INC., EMPLOYER**

**RESPONDENT**

**ARKANSAS TRUCKING ASSOCIATION  
SI FUND/CCMSI, INSURANCE CARRIER/TPA**

**RESPONDENT**

**OPINION FILED MARCH 21, 2025**

Hearing before Administrative Law Judge, James D. Kennedy, on the 4<sup>TH</sup> day of February 2025, in Little Rock, Arkansas.

Claimant is represented by Mark Alan Peoples, Attorney at Law, of Little Rock, Arkansas.

Respondent is represented by Melissa Wood, Attorney at Law, of Little Rock, Arkansas.

**STATEMENT OF THE CASE**

A hearing was conducted on the 4<sup>th</sup> day of February 2025, to determine the issue of compensability for claimed work-related injuries to the claimant's back, side, shoulders, leg, and acquired PTSD, based upon a MVA that the claimant was involved in on December 26, 2023, in the state of Tennessee. Additionally, the claimant contends he is entitled to temporary total disability from January 6, 2024, to a date to be determined, and attorney fees. All other issues are reserved. The respondents contended that the claim was initially accepted as medical only but was denied in its entirety on January 6, 2024. In addition, the respondents contended that although the claim was originally accepted as compensable, the claimant failed to go for available medical treatment and that consequently, there are no objective findings relating to the alleged injuries. Respondents further contended that the claimant later had an additional motor vehicle accident on or about January 6, 2024, which was not work related and the later accident was the reason

for the claimant's required medical treatment. A copy of the Pre-hearing order was marked "Commission Exhibit 1" and made part of the record without objection. The Order provided that the parties stipulated that the Arkansas Workers' Compensation Commission has jurisdiction of the within claim and that an employer/employee relationship existed on December 26, 2023, when the claimant was involved in a work related motor vehicle accident (MVA) where the claimant alleges he sustained injuries to his back, side, shoulders, and leg, with PTSD arising out of the accident. The parties also stipulated that the claimant's average weekly wage was \$1276.90, on the day of the work-related accident which corresponds to a weekly indemnity rate of \$835.00 for temporary total disability and a permanent partial disability rate of \$626.00. In addition, the parties stipulated that the respondents initially accepted the claim but have since controverted the claim in its entirety.

The claimant's and respondent's contentions are set out in their respective responses to the Pre-hearing Questionnaire and made a part of the record without objection. The witnesses consisted of Ginnie Hill, the claimant's wife, and the claimant Marcie Hill. 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 witnesses, the following findings of fact and conclusions of law are made in accordance with Ark. Code Ann. 11-9-704.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.

2. That an employer/employee relationship existed on December 26, 2023, when the claimant was involved in a work-related motor vehicle accident in Tennessee.
3. That the claimant earned an average weekly wage of \$1276.90, sufficient for a TTD/PPD rate of \$835.00/\$626.00 respectively.
4. That the claimant has failed to satisfy the required burden of proof by a preponderance of the credible evidence that he sustained a compensable work-related injury to his back, side, shoulders, and leg, and the resulting claim of PTSD on December 26, 2023.
5. That all remaining issues are moot.
6. If not already paid, the respondents are ordered to pay for the cost of the transcript forthwith.

### **REVIEW OF TESTIMONY AND EVIDENCE**

The Pre-hearing Order along with the Pre-hearing questionnaires of the parties were admitted into the record without objection. The claimant submitted an exhibit of 90 pages of medical records with an index that was admitted without objection. In addition, the claimant submitted a second exhibit consisting of nine pages of non-medical records with an index that was admitted without an objection. The respondents submitted an exhibit with 34 pages of medical records with an index without an objection. The respondents also submitted an exhibit of twenty pages of non-medical records with an index as their exhibit two with no objection. The respondents final exhibit, the deposition of Arlette Williams, was admitted as their exhibit three without objection.

Ms. Ginnie Hill, the wife of the claimant, was the first witness to testify. She testified that she was the wife of the claimant, that they had been together for 10 years, and were a married couple on December 26, 2023, the date of the accident. She testified that her husband, the claimant, had been hurting all the time since the accident date. She stated that the pain was mostly in his back, but also in his leg and he was also depressed. (Tr. 5, 6)

The claimant was the second and final witness to testify. The claimant testified that he had worked for the Respondent for about five years at the time of the accident. He worked as a flatbed truck operator. His truck would be loaded by others, but he was required to tarp and strap it, which was a very physical job. On December 26, he was driving his truck from Kentucky and had made it to mile market 35 in Tennessee coming back west into Memphis. He realized that his hours for service were about to end, and he needed to obtain something similar to a pass to get to his destination, so he pulled over onto the shoulder to place the change of duty of status since he was about 30 minutes from home. He put his flashers on, while pulling over on the shoulder to obtain the change of status and then pulled back on the highway when he was hit from behind. He thought that he had been pulled over on the shoulder for about five minutes. He testified that he had gotten up to about 55 miles per hour when he was rear ended by another tractor trailer. He stated he sustained injuries to his lower back and left shoulder. He again pulled over to the side and got out and that's when he started noticing all the pain in his lower back and shoulder. An ambulance came and picked up the other driver who had hit him. After the ambulance picked up the other driver, the claimant talked to the state trooper

and by this time, the claimant's wife arrived and took him to the emergency room in West Memphis. (Tr. 7 – 11)

The claimant stated that he took pictures of the accident scene and notified his supervisor. His wife took him to the hospital, and he was later released. He did not return to work the next day, but possible the next. (Tr. 12) He returned to work, but stated he was unable lift the tarp for the next load and was unable to do anything physical. He testified that he told them what was going on and he needed to follow up with his doctors. He thought he had worked three days but had not worked for the Respondents since then. He went on to testify that he continued to suffer pain and discomfort in his shoulders and back. (Tr. 13, 14)

The claimant was then questioned about a picture of his personal vehicle. The vehicle was involved in a later motor vehicle accident on January 6, when his car was hit while stopped at a stop sign. The claimant stated that he got out of the car to ask why the car had hit him in the back and before he could obtain insurance information, it left the scene of the accident. (Tr. 15) He went on to testify that he was able to get his car repaired for \$169.00, and if he sustained any injuries, he "couldn't differentiate what was what because everything that was happening, I was already experiencing it, anyway. I was already in pain." (Tr. 16) The claimant testified he eventually had surgery for a rotator cuff tear and a partial tear in his bicep on August 19, 2024, he believed. He was still having problems and was not aware of any doctor releasing him to return to work. He also testified that he told another employee about the accident, who in turn told the supervisor, which in turn caused more problems for his family. The conversation occurred on January 7<sup>th</sup>, and on January 8<sup>th</sup>, he was told that workers' comp would not be awarded anymore

due to the second accident. He stated that he has received no money from workers' compensation since January 8<sup>th</sup>, 2024. He thinks he is still employed by the respondent, and his health insurance has been paying for his medical treatment. He went on to state that he was not able to physically work his old job. He still had a limited range of motion trying to put his arm over his head, and the job required him to lift tarps weighing 150 pounds over his head. He also stated that strapping down the tarps involved a lot of kneeling and bending and stooping and climbing up on the top of the trailer. (Tr. 17- 21)

Under cross examination, the claimant admitted that he was contesting about \$90,000 in child support arrearages. He explained that it was two separate child support cases for the same children, with one being in Tennessee and one in Mississippi. (Tr. 22) He also admitted that during his deposition he did not remember hitting anything inside the cab of his truck. He thought he lost control of his truck for a minute but gained control of it after the impact. He was not knocked off the interstate. His wife drove over and picked him up and took him to the Baptist Emergency Room. He also admitted that in his deposition, he testified he had told the people at Baptist that he hurt his back, left leg, and shoulder. (Tr. 23, 24).

The claimant admitted that his adjuster, Arlette Williams, had scheduled an appointment on the 9<sup>th</sup> with Doctor Meridith, but that he received a call the day before his scheduled visit that stated it had been cancelled. He also admitted he went ahead with the visit and put it on his Blue Cross Blue Shield. He also admitted receiving short-term disability which was no longer being paid. The payments for it were taken out of his check every week. (Tr. 25) The claimant also admitted his doctors at Baptist in West Memphis only took him off work for a few days and then asked him to follow up with his primary

physician. He also admitted that he was driving his wife's Jeep at the time of the second accident and that his wife was taken from the scene of the second accident by ambulance. Additionally, he admitted that he had testified in his deposition that he did not go anywhere for treatment after the January 6<sup>th</sup> accident. He also admitted that prior to December 26, he had been told that he had bursitis in his left shoulder by Dr. Miller at the Campbell Clinic back around 2018. (Tr. 26, 27)

The claimant also admitted that he had gone to Levy Dermatology due to the fact he thought the first motor vehicle accident caused him to lose hair on several spots on his head. He also admitted going to the Baptist Emergency on December 27<sup>th</sup>, after the first accident. He was then questioned about a statement he made during his visit to the Baptist West Memphis Emergency Room about going 80 miles per hour at the time of the accident when he was hit, and he denied that he was going that speed at the time of the accident during his testimony. He was also questioned about the report providing that his shoulder was normal on the December 27<sup>th</sup> visit, and he stated that he was not aware of that. He agreed he was told that he could return to work on December 30<sup>th</sup>. He also admitted to a lumbar spine study on January 4<sup>th</sup>, and a report from the Campbell Clinic that provided he had bilateral rotator cuff tendinitis since July of 22. He was then specifically asked about the report reflecting he was at the clinic for cervical and left shoulder symptomatology he thought was due to a January 6<sup>th</sup> of 2024 motor vehicle accident and he responded that "It was the wrong date, correct accident but the wrong date, you know." He admitted he told the doctor that he was the driver of a Jeep Cherokee that was struck from behind. He was also questioned about a report from Levy Dermatology dated February 21<sup>st</sup> of 24 that provided that his chief complaint was hair loss

on the scalp which the claimant agreed to but not to the report providing that it was due to an accident in January of 24. (Tr. 26 – 31) On redirect, the claimant testified he never had a torn rotator cuff, but that he did tell them about the bursitis. (Tr. 32)

The claimant's medical exhibit consisted of 90 pages including a two-page index. The claimant presented to the Baptist ER on December 27, 2023, with complaints of lower back, left side and left leg pain, following an incident that involved one eighteen-wheeler rear ending his eighteen-wheeler while traveling 80 miles an hour and wearing his seatbelt. The report provided for associated abdominal and back pain but no extremity pain and loss of consciousness. Imaging was negative for an acute fracture, but soft tissue injuries were noted. The claimant was prescribed Flexeril and Ibuprofen and advised to follow up with his primary care provider. The clinical impression provided for multiple contusions and back pain in an unspecified location. (Cl. Ex. 1 – 15)

On January 9, 2024, the claimant presented to Dr. Trent Pierce for a follow-up to the motor vehicle accident that the report stated occurred on January 6, 2024, when he was taken to Baptist Crittenden ER, and was rear ended by a tractor trailer. The report provided the claimant stated that he was having pain in his back and left leg and ankle and also suffering from tingling in his leg. The report also provided the claimant was involved in another motor vehicle accident on December 26, 2023, but that he did not go to the ER. The claimant was screened for PTSD. The assessment provided for a lumbar back injury with radiculopathy, and he was referred to the Campbell Clinic. Codeine was mentioned for anxiety, but the report went on to state that Xanax would be tried and that "I am not sure that this is work avoidance." (Cl. Ex. 1, P. 16 – 19)



On January 27, 2024, the claimant presented to Nurse Practitioner Angel D. Gulley. The report provided that the symptoms were continuous and gradually worsening and the claimant stated the pain was affecting his ability to function. Under assessment, the report provided that the lumbar radiculopathy was worse and that there was chronic low back pain with left-sided sciatica. (Cl. Ex. 1, P. 20 – 23)

On February 9, 2024, the claimant presented to Djuana Smith, LCSW, with the chief complaint being stress from accidents. The report provided that the claimant had little interest or pleasure in doing things and had sleeping issues and felt down or depressed. The assessment provided for current moderate episodes of major depressive disorder with a prior episode and an acute distress disorder. (Cl. Ex. 1, P. 24 – 26) The claimant returned to Djuana Smith, LCSW, on February 29, 2024. There was no chief complaint identified by the claimant. The diagnosis provided for a major depressive disorder “moderate, single episode.” The goal for treatment was an “Increase ability to get back to normalcy regarding routine.” (Cl. Ex. 1, P. 27 – 29)

On March 5, 2024, Dr. Santos Martinez issued a return to work slip with a limitation of lifting not over 30 pounds. (Cl. Ex. 1, P. 30) On March 13, 2024, the claimant presented to the Mitchell Family Clinic and Dr. Koch. The claimant reported chronic low back pain and left sided sciatica. The claimant provided he had been undergoing physical therapy which had been improving his pain and functionality. He rated the pain on the day of the visit as 4 out of 10. (Cl. Ex. 1, P. 31 – 33) The claimant then returned to Djuana Smith, LCSW, on April 5, 2024, and the report provided that the claimant’s anxiety level was decreasing. The summary of the visit provided for circled PTSD. (Cl. Ex. 1, P. 34 – 39)

The claimant returned to Dr. Koch on March 14, 2024, and reported that his back pain was improving but was exacerbated by increased activity which worsened at night. The claimant also reported ongoing pain in both his shoulders and his neck with movement. The assessment provided for chronic bilateral low back pain with left sided sciatica. (Cl. Ex. 1, 40 – 43)

The claimant returned to Djuana Smith LCSW on April 26, 2024. The claimant described his mood as “excellent” on the visit. (Cl. Ex. 1, P. 44 – 47) He then returned to Mitchell Family Medicine on May 15, 2024, where he reported that his low back pain was improving with the physical therapy but that he was still experiencing shoulder pain and had been using a tens unit and cold packs for relief. (Cl. Ex. 1, P. 48 – 49) The claimant then presented to Campbell Clinic for physical therapy on June 4, 2024. The assessment provided that the claimant tolerated today’s session well with no adverse reaction but reported pain throughout the session. Neck pain, low back pain, and left shoulder pain were mentioned. (Cl. Ex. 1, P. 50, 51) The claimant received physical therapy on May 8, 2024, and returned to the office of Dr. Koch on May 15, 2024, and Djuana Smith LCSW on May 20, 2024. (Cl. Ex. 1, P. 52 – 60)

The claimant obtained an MRI on May 30, 2024. The MRI provided for a moderate grade bursal sided partial tear at the anterior of the supraspinatus and supraspinatus and subscapularis tendinosis with a posteroinferior labral tear at 8 – 9 and severe acromioclavicular joint osteoarthritis with periarticular osteophytes. (Cl. Ex. 1, P. 61 - 62)

A letter from Djuana Smith-McNeely, LCSW, provided that the claimant initially presented to East Arkansas Family Health Center, Inc. on February 9, 2024, to address behavioral and emotional charges resulting from a motor vehicle accident. He was

diagnosed with major depressive disorder, single episode, moderate with anxiety, unspecified and post-traumatic stress disorder. The letter provided that the claimant would benefit with continued treatment. (Cl. Ex. 1, P. 63)

Claimant then returned to Dr. Martinez on June 10, 2024, and the report again provided for unspecified low back pain. The doctor stated that he would request a lumbar epidural for the left L4-5. (Cl. Ex. 1, P. 64, 65) The claimant was then again seen by Djuana Smith, LCSW, on June 13, 2024. The report provided that the claimant had been able to maintain a positive attitude. In the report, the claimant acknowledged that the accidents were accidents and not anything that he had control of. (Cl. Ex. 1, P. 66 – 72) On June 18, 2024, the claimant returned to Dr. Brolin in regard to his left shoulder rotator cuff tear. (Cl. Ex. 1, P. 73) On June 25, 2024, claimant presented to Dr. Rivera-Tavarez, for an epidural left L4 transforaminal epidural steroid injection. (Cl. Ex. 1, P. 74, 75) The claimant then returned to Dr. Martinez on July 2, 2024. Among other things, the medical report mentioned left shoulder surgery on September 19, 2024. (Cl. Ex. 1, P. 76 – 78) The claimant again went to the office of Djuana Smith, LCSW, and expressed frustration with his PCP's office. (Cl. Ex. 1, P. 79 – 85) On August 19, 2025, Dr. Brolin performed surgery on the claimant's left rotator cuff due a tear of the supraspinatus. (Cl. Ex. 1, P. 86 – 88)

Claimants Exhibit Two consisted of eleven pages and an index. A Tennessee Electronic crash report provided that an accident occurred on December 26, 2023, and showed that the claimant's vehicle was rear ended, and he possibly suffered an injury. The vehicle that rear-ended the claimant's vehicle suffered disabling damage. The report went on to report that the lane was blocked at 8:51 p.m. on December 26 and opened

back up at 12:16 a.m. on December 27. (Cl. Ex. 2, P. 1 – 7). The claimant also submitted photographs of his personal vehicle that was involved in the second accident on January 6, 2024, and this accident was non-work related. The photographs showed a Jeep, with an Arkansas tag that could use a car wash, with very little damage, and mainly suffering from a paint scrape. (Cl. Ex. 2, 8 – 10)

The respondents also submitted 34 pages of medical records including an index. The records from Baptist Memorial Hospital provided that the claimant was traveling at 80 miles per hour with his seat belt on, when he was rear ended. The record also provided that the claimant came directly to the emergency department and that the accident had happened 90 minutes earlier. (Resp. Ex. 1, P. 1-6) An x-ray of the lumbar spine on January 4, 2024, provided under impression, that arthritic changes involving L4 through S1 were noted but that no acute abnormality was identified. (Resp. Ex. 1, P. 17) A chart note from Dr. Martinez and the Campbell Clinic dated February 8, 2024, referred to the motor vehicle accident on January 6, 2024, while driving a Jeep Cherokee in a stationary position when he was hit from behind by another vehicle. The chart notes also referred to another vehicle accident and the claimant stated that the low back pain was purely from the Workers' Compensation case back in December. (Resp. Ex. 1, P. 18 – 20) A chart note from Levy Dermatology provided that the claimant presented with hair loss after an accident in January. (Cl. Ex. 21, 22)

The respondents also submitted two chart notes from Djuana Smith, LCSW, with the first note dated April 26, 2024, which provided that the claimant's mood was good. The chart notes of May 20, 2024, provided that the claimant received news about his return to work. The claimant reported that his primary care provider opined that he was

able to return to work with restrictions, and he was worried about reinjuring himself.  
(Resp. Ex. 1, P. 23 – 33)

The respondents also submitted twenty pages including an index of non-medical records. Page 1-6 provided for route schedules. Pages 7 -19 showed post injury wage records and along with deductions for various insurances and for the café plan. (Resp. Ex. 2. P. 1- 19)

The final exhibit for the respondents was the deposition of Arlette Williams. She testified that she was the CCMSI area third party administrator and she obtained workers' compensation reports when people were injured on the job or when they file a claim. She had been performing this type of work for a little over 35 years and was familiar with the claimant's file. She arranged for the claimant to obtain medical treatment because he was unable to return to driving until he obtained a medical release. She scheduled an appointment for the claimant with Dr. Meredith in West Memphis and instructed the claimant he needed to bring a list of his medications and needed to get an x-ray of his lumbar spine, since he was complaining about it. He did not obtain the x-ray and did not bring the list of medications, but did go to the appointment. Since he did not have the information, the appointment was rescheduled. She then contacted the claimant and asked him why he did not do what he had been told to do but she did not remember the exact words of his response.

She further testified she later learned that he had been involved in another motor vehicle accident through an ISO index report, prior to him returning to Dr. Meridith. She then contacted the claimant, who stated that he was in worse pain after the accident, so the treatment was not authorized. The claimant wondered how I found out about his motor

vehicle accident over the weekend, and she stated that she explained the index system, and that they had received a report about the accident.

### **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 he is entitled to compensation benefits for his claimed injuries. In determining whether the claimant has sustained his 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. Cavanaugh'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).

Here, there appear to be multiple discrepancies in the evidence, some probably accidental, but still present. The claimant testified during the hearing that he was rear ended by an eighteen-wheeler after he pulled back out on the highway in the eighteen-wheeler that he was driving, after reaching a speed of 55 miles per hour. The police report provided that the vehicle that rear ended him suffered disabling damage. The driver of the vehicle that hit the claimant left in an ambulance and the claimant left with his wife who drove him from the accident scene in West Tennessee back to the Baptist hospital in West Memphis. The claimant's medical report provided he was involved in an accident while traveling 80 miles per hour. Additionally, the report provided that the claimant was not experiencing extremity pain and there were no immovable extremities and no loss of consciousness. The claimant admitted, however, that he stated in his deposition that while he was at the Baptist Emergency Room in West Memphis, he told them he had hurt

his back, left leg, and shoulder. During his testimony, he also admitted he had been diagnosed with bursitis in his left shoulder prior to December 26, by Dr. Miller at the Campbell Clinic.

The claimant was scheduled by Arletta Williams, the CCMSI for the area, for a doctor's appointment with Dr. Meredith. He was instructed to bring x-rays of his lower back and a list of his medications. The claimant appeared for the appointment but failed to bring the items requested and it was consequently rescheduled. Before he could return for the appointment, he was involved in another motor vehicle accident where he was again rear ended at a stop sign and the vehicle that hit the rear of his vehicle, left the scene. The vehicle the claimant was driving appeared to have received very little damage, but his wife who was a passenger in his vehicle, was taken from the accident scene by ambulance.

Ms. Arlette Williams testified that she learned that the claimant had been involved in another motor vehicle accident through an ISO index report prior to the claimant returning to Dr. Meredith, so she contacted the claimant. She testified that the claimant stated that he was in worse pain after the accident, so the visit to Dr. Meredith was cancelled. She also testified that the claimant wondered how she found out about his second motor vehicle accident over the weekend and that was when she explained the index system, how it worked, and how they had received a report in regard to the accident.

Under workers' compensation law in Arkansas, a compensable injury must be established by medical evidence supported by objective findings and medical opinions addressing compensability and must be stated within a degree of medical certainty. Smith-Blair, Inc. v. Jones, 77 Ark. App. 273, 72 S.W.3d 560 (2002). Speculation and

conjecture cannot substitute for credible evidence. Liaromatis v. Baxter County Regional Hospital, 95 Ark. App. 296, 236 S.W.3d 524 (2006). More specifically, to prove a compensable 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 A.C.A. 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).

An injury for which the claimant seeks benefits must be established by medical evidence supported by objective findings which are those findings that cannot come under the voluntary control of the patient. A.C.A. 11-9-102 (16). It is also important to note that the claimant's testimony is never considered uncontroverted. Lambert v. Gerber Products Co. 14 Ark. App. 88, 684 S.W.2d 842 (1985).

The claimant in this matter is a likeable, well-dressed, and well-spoken gentleman. However, there are multiple discrepancies in the evidence that appear to result in speculation and conjecture in an attempt to satisfy the necessary requirements of proof. Some of this may have resulted simply by accident due to the motor vehicle accidents occurring so close together. There are no specific objective medical findings in regard to his claimed injuries. With that said, it is clear that the burden of proof cannot be established by speculation and conjecture. It is also noted that a claimant is not required to establish a casual connection between a work-related incident and an injury with an



expert medical opinion. See Walmart Stores, Inc. v. VanWagner, 337 Ark. 443, 990 S.W.2d 522 (1999).

As stated above, the workers' compensation claimant bears the burden of proving a compensable injury by a preponderance of the evidence. A.C.A. 11-9-102 (4) (E) (i). A compensable injury is one that was the result of an accident that arose in the course of his employment and that it grew out of or resulted from the employment. See Moore v. Darling Store Fixtures, 22 Ar. App 21, 732 S.W.2d 496 (1987) Preponderance of the evidence means the evidence having greater weight or convincing force. Metropolitan Nat'l Bank v. La Sher Oil Co., 81 Ark App. 263, 101 S.W.3d 252 (2003). Based upon the available evidence in the case at bar, there is no alternative but to find that the claimant has failed to satisfy the required burden of proof to show that his claimed injuries are in fact work related and compensable under the Arkansas Workers' Compensation Act. Consequently, all remaining issues are moot.

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 his claim for injuries from the Tennessee motor vehicle accident on December 26, 2023, 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