BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H503397

ROBERT JOHNSON, EMPLOYEE	**CLAIMANT**
WASTE MANAGEMENT, INC., EMPLOYER	**RESPONDENT**
INDEMNITY INS. CO. OF N. AMER., CARRIER/ GALLAGHER BASSETT SERVICES, INC., TPA	**RESPONDENT**

OPINION FILED 22 JULY 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 7 May 2026 in Pine Bluff, Arkansas.

Mr. Mark Alan Peoples appeared for the claimant.

Worley, Wood & Parrish, P.A., Ms. Melissa Wood, appeared for the respondents.

I. STATEMENT OF THE CASE

A Prehearing Order was filed on 9 December 2025 and admitted to the record as Commission's Exhibit № 1.

STIPULATIONS

Following an amendment at the hearing, the parties agreed to the following Stipulations:

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

2. The employee/employer/carrier-TPA relationship existed at all relevant times, including on or about 20 May 2025, when the claimant allegedly sustained a compensable injury by specific incident to his right leg/knee.

3. The claimant's average weekly wage of $840 would entitle him to weekly benefits of $560 for temporary total disability (TTD) and $420 for permanent partial disability (PPD).

4. The respondents initially paid some benefits on this claim; but since 11 July 2025, they have controverted the claim in its entirety.

ISSUES TO BE LITIGATED AT HEARING

Following an amendment at the hearing, the parties agreed to litigate the following:

1. Whether the claimant sustained a compensable injury by specific incident to his right leg/knee on or about 20 May 2025.

2. Whether the claimant is entitled to TTD benefits from 11 July 2025 to a date yet to be determined.

3. Whether the claimant is entitled to reasonable and necessary medical benefits, including reimbursement for past treatments.

4. Whether the claimant is entitled to an attorney's fee.

All other issues are reserved.

CONTENTIONS

The parties' Contentions were set out in their respective Prehearing Questionnaire Responses and were amended at the hearing to read:

> Claimant:
> Claimant contends that he had a compensable work injury to his right leg/knee on or about 05/2025. Claimant also contends that he is entitled to Temporary Total Disability from 07/12/25 until an unknown date in the future. Claimant contends he is entitled to medical treatment for his compensable work injury. Respondents controverted the claim, and the undersigned is entitled to a maximum of statutory attorney fees.
>
> Respondents:
> Respondents contend that Claimant did not sustain a compensable injury to his right knee on 05/20/25 or at any other time while working for Respondent/Employer. The claim was initially accepted as medical-only but was later denied on 07/11/25. There was no injury in the course and scope of employment.

II. FINDINGS OF FACT 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 this claim.

2. The Stipulations as set forth above are reasonable and are hereby accepted.

3. The claimant has failed to prove by a preponderance of the evidence that he sustained a compensable injury to his right leg/knee by specific incident on or about 20 May 2025.

4. Because the claimant has failed to prove a compensable injury, the other issues listed above are moot and will not be addressed in this Opinion.

III. ADJUDICATION

The stipulated facts as outlined above are reasonable 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

Shirley Johnson, the claimant's mother, was called as a witness. He also testified. The respondents called James Adam Dean, the claimant's supervisor, as a witness. The record consists of the hearing transcript, which includes following exhibits: Commission's Exhibit № 1 (the 9 December 2025 Prehearing Order); Claimant's Exhibit № 1 (two index pages and 66 pages of medical records); Claimant's Exhibit № 2 (one index page and six pages of text message print-outs); Respondents' Exhibit № 1 (one index page and six pages of non-medical records); Respondents' Exhibit № 2 (a flash drive containing video footage of

the claimant leaving work on 20 May 2025); Respondents' Exhibit № 3 (the transcript of Dr. Eric Gordon's 15 April 2026 deposition); and Respondents' Exhibit № 4 (the transcript of the claimant's 2 December 2025 deposition).

Shirley Johnon's Testimony

Ms. Johnson testified that she is the claimant's mother and that he was living with her in May of 2025. She recalled going to the claimant's room to wake him up for work at 5:10 AM on 21 May 2025. She stated that she found him in pain and that his knee was swollen.

According to her testimony, the claimant appeared to make a call to Mr. James Dean, his supervisor, to report that he had hurt his knee at work and that he was going to the emergency room for treatment. The claimant appeared to advise that he would keep Dean posted on his status. Ms. Johnson acknowledged, though, that she did not hear the "other side" of the conversation, nor did she know for certain whom the claimant might have actually called. She also denied any actual knowledge how or where the claimant injured his knee.

Claimant's Testimony

The claimant testified that his work duties with the respondent-employer included operating and maintaining heavy equipment at a landfill. He said that he had just finished cleaning an excavator when he stepped into some mud and realized that his right foot was stuck. He explained that the mud was up to the top of his boot or about half-way up his shin: "I tried to pull it out two or three times, tweaked my knee, felt it, heard a pop, quit that, took my foot out the best I could, dug my boot out, put my boot back on, and finished my inspection." [TR at 22.] He then returned to the shop and office area to clock out. The claimant said that he had reviewed the video footage from when he clocked out. He believed that his injury was apparent in the video.

According to his testimony, the claimant thought that he had hurt his knee, but did not know the extent of any injury. It was not until the next morning when he denied being able to walk that he realized he could not work. He testified that he called Dean and said, "I hurt my knee at work." [TR at 24.] He also acknowledged a text message that he sent to Dean at 5:26 AM that said, "I'm not going to make it today." [TR at 25.] He testified that he then followed up with Dean via the call that his mother witnessed. Later that day, the claimant presented to Jefferson Regional Medical Center's (JRMC) emergency department and received an off-work note. He then returned to the emergency department a day or so later with the same or worsening complaints. He was eventually referred to an orthopedic surgeon for evaluation.

The claimant stated that the respondents covered the cost of his care until a surgery was recommended. He then sought additional treatment, including arthroscopic right knee surgery, on his own. He denied ever being released back to full-duty work. He also denied ever being released to partial-duty or being offered light-duty work by the respondents. He went on:

> Q: … You said that somebody, and you said a name before we took our break.
> A: Vicky Johnson.
> Q: What did Vicky Johnson offer you?
> A: She said that there was some alternative work at Salvation Army that I could do, and I told her, I said, "Well, I can't walk. I can't." And I got with my doctor and Dr. Gordon said, "No." He said, "No work, nothing."

[TR at 30.] He then reviewed the Offer of Alternative Modified Work forms that the respondents put into evidence [Resp. Ex. № 1 at 3-6.] He denied ever seeing the papers until that moment in the hearing.

He described his condition and day-to-day activities around the date of the hearing as "physical therapy, waking up, trying to keep it moving as much as possible, doing exercises, just letting it heal." [TR at 32.]

On cross-examination, the claimant answered questions about his deposition testimony regarding how he managed to get himself unstuck and out of the mud.

> Q: You told me that your jeans got muddy, is that right?
> A: No, my knee got wet. It was wet. It was a mud hole. My knee didn't go in the mud. It got in the water.
> Q: I asked you on page 18 of your deposition, "Did the jeans get muddy?" Your response was, "Yes." Is that not right?
> A: My boots got muddy.
> Q: Okay. But in your deposition you said that it was your jeans. Is that not right?
> A: My knee got muddy – my knee got wet. I mean, I don't know if it was muddy.
> Judge: So, there was standing water?
> A: Yes, sir.
> Judge: In the mud.
> A: There was standing water in the hole. Yes, my foot went in the mud. My knee went in the water.
> . . .
>
> Judge: So from the knee down was all wet?
> A: Yes. Yes. From the knee down, yes, sir.

[TR at 37-38.]

He was also asked about how his testimony at the hearing was different from his deposition testimony regarding what he told Dean about the nature of his injury. On direct examination, he stated (as noted above) that he advised Dean that he hurt his knee at work. During his deposition, though, he denied that he made Dean aware of his alleged work injury. He then denied testifying correctly during his deposition. He also explained again that the video footage from the end of his shift showed him walking with a noticeable limp.

Mr. James Dean's Testimony

Dean stated that he works as the respondent-employer's Operation Supervisor at the Jefferson County Landfill. He verified the claimant's receipt of the employee handbook that detailed the procedure for reporting workplace injuries. He denied receiving a call from the claimant on the morning of 21 May 2025. Dean explained that his written report

regarding the claimant "calling in" that morning referred to an exchange via text message rather than an actual phone call. Dean said that the claimant did not report that his injury was a work-related when he first gave notice of needing to be off work.

According to Dean, the claimant had been written up for policy violations several times, including the day before his alleged injury. He stated that the claimant was likely aware that he was going to be terminated for his repeated write-ups. He also acknowledged that he was not present at the time that the claimant claims he was injured and that he had no actual knowledge of how the claimant injured his knee.

Dr. Eric Gordon's Deposition Testimony

Regarding the claimant's MRI study, Dr. Gordon stated:

> A: He had a lot of things going on, on that MRI. Multiple ligament sprains. But the most – biggest thing to me was the bone bruising that he had. It's like a fracture in the bone or a non-displaced fracture.
> . . .
> Q: With the findings that he had on the MRI, would you expect him to know that he'd hurt himself right away?
> A: Yes.
> . . .
> Q: Would you expect him to display pain, to limp or do something similar to that?
> A: Yes.
> Q: Would you think he'd be able to walk very well?
> A: Well, I'd expect he'd be limping, so not great.

[Resp. Ex. № 3 at 7-8.]

Dr. Gordon was then shown the video footage of the claimant clocking out. He said that based on the MRI imaging and his impression of the claimant, he would have expected to the video to show the claimant clearly limping and moving in obvious pain versus what he saw on the video. But on cross-examination, he acknowledged that, "some of the stuff could have aggravated worse the next day…." [*Id.* at 10.]

The Claimant's Deposition Testimony

According to his own deposition testimony, the claimant did not indicate that his injury was work-related when he first alerted Dean about needing to miss work because of knee pain:

> A: I told him that my knee – I hurt my knee.
> Q: Did you tell him how it happened?
> A: Not right then. Not right then. I told him I hurt my knee. Not right then. I didn't tell him how it happened, no.
> Q: Why?
> A: I told him I just – I don't remember why. I was in a lot of pain. I told him I wasn't going to be coming in, that I hurt my knee.
> Q: So, he didn't know it happened at work?
> A: No. Not until I went to the emergency room later on that day, when it started hurting. And then I called him and told him what happened.
> . . .
> Q: Did you call him from the emergency room?
> A: No.
> Q: After you'd been?
> A: Yeah. Yeah. I have text messages, and pictures, and all that.

[Resp. Ex. № 4 at 21-22.]

Medical and Documentary Evidence

The claimant presented to the JRMC emergency department around 6:00 PM on 21 May 2025. He reported right knee pain beginning that morning after getting his foot stuck in the mud the day before. The note from that visit does not indicate that he reported his injury as being work-related. He was given a generic excuse from work/school/physical activity through 23 May 2025. His "return to full activity" was anticipated on 24 May 2025. [Cl. Ex. № 1.]

On 23 May 2025, the claimant returned to JRMC complaining that his knee was not yet better. He presented for that visit using a walker. The note from that visit, again, does not indicate that he reported his injury as being work-related. He was diagnosed with a knee sprain and prescribed Naproxen and Tramadol. He received an excuse for another three days off work and was referred for an orthopedic follow-up.

He returned the emergency department again on 28 May 2025 complaining of right knee pain that he rated as 10 out of 10. The note from that visit includes, in part, the following:

> HISTORY OF PRESENT ILLNESS
> This is a 54-year-old while male complaining of right knee pain after twisting his knee 8 days ago while reportedly on a worksite. Patient was seen in urgent care where x-rays reportedly showed no fracture or dislocation. Patient's knee was placed in the knee immobilizer and patient was prescribed Naproxen and Tramadol, which provide little relief. Patient presents today complaining of continued right knee pain. Patient has not yet followed up with an orthopedic surgeon. He denies any new injury.

[*Id*. at 6.] X-ray imaging showed no fracture or dislocation.

The claimant reported to a JRMC outpatient clinic on 29 May 2025. The note from that visit includes, in part, the following:

> PHYSICIAN'S REPORT OF INJURY AND TREATMENT
> Patient is a 54-year-old male who presents for workers' comp. evaluation. He presented to the clinic yesterday for evaluation, however was having severe pain and ended up calling an ambulance to be taken to the emergency room. He reports that he recently injured his right knee while at work. …

[*Id*. at 8.] The note indicates that he was diagnosed with a right knee effusion and that his right knee was markedly swollen when compared to his left. He was ordered off work until further orthopedic evaluation was completed.

An MRI study was completed on 10 June 2025. That report includes, in part, the following:

IMPRESSION

> 1. Nondisplaced subchondral fracture of the lateral aspect lateral tibial plateau.
> 2. Multifocal contusion of the medial tibial plateau is most prominent and moderate-to-marked posteriorly.
> 3. Mild-to-moderate contusions of the medial weight-bearing medial femoral condyle and lateral weight-bearing lateral femoral condyle.
> 4. T2 signal of the central and posterior aspect intercondylar notch could be reactive or related to contusion. Tearing of the ACL femoral attachment is low to intermediate grade.

> 5. T2 signal of the tibial spine is moderate and most prominent anteriorly. There is no discrete avulsion fracture of the tibial spine.
> 6. Grade 2 sprain of the midsubstance PCL.
> 7. Grade 2 sprain of the proximal MCL, involving the superficial and deep aspects.
> 8. High-grade partial-thickness cartilage loss of the lateral patella, central trochlea, weight-bearing medial compartment, lateral tibial spine, and lateral femoral condyle up sweep.
> 9. Reactive edema versus low-grade sprains of the distal IT band, medial patellar retinaculum, and lateral patellar retinaculum.
> 10. Reactive edema versus muscle strains of the distal thigh and proximal leg.
> 11. Complex free edge and undersurface tearing of the medial meniscus posterior horn and body posterior horn junction.
> 12. Complex oblique undersurface tearing of the lateral meniscus anterior horn extends to the anterior root.

[*Id*. at 12.]

On 11 June 2025, the claimant was seen by Dr. Gordon. The note from that visit includes, in part, the following:

> PLAN
> He does have a tear of the medial and lateral meniscus which may be contributing as well as some overall arthritic change in the knee. He does have significant knee effusion as well and which I suspect is likely causing a lot of his pain and stiffness in the knee at this point. Therefore we discussed additional symptomatic treatment strategies. Recommend initial non-operative approach to allow time for healing of his tibial plateau fracture and MCL. Maintain knee brace and limited weightbearing on his right leg. At this point he still has significant pain in the knee with very limited mobility requiring use of a wheelchair. Therefore recommend that we keep him off work to allow some time for hearing of the fracture before mobilizing too much.
> We will proceed with a knee aspiration today to try to alleviate some of his pain and stiffness in the knee also begin physical therapy for gentle knee range of motion exercises and edema control.
> Follow up in 4 weeks.

[*Id*. at 22.] The claim was denied around this time, but the claimant continued to seek treatment for his knee. He eventually underwent a complete right knee replacement on 23 December 2025.

In addition to relevant medical records, the claimant admitted to the record printed screenshots of text messages[1] exchanged with Dean. [Cl. Ex. № 2.] The conversation relevant to the claim appears to begin with a text from the claimant to Dean at 5:26 AM on 21 May 2025:

> Claimant: James I'm not going to make it in today,, my knee is swollen and hurting it's not letting me walk right now,, I've tried. I need to stay off of it for today sorry.
> Dean: Supposed to call in an hour before shift. I will put psst in for you today. Make sure you give an hour notice moving forward.
> Dean: Also remember when you lock the gate to make sure it locks. You have to mix the code up for it to lock right. It wasn't locked this morning.
> Dean: Hope you get to feeling better. Keep me posted.

Later that evening, the claimant sent Dean a picture of a doctor's note from JRMC and the following exchange began:

> (21 May 2025, 7:49 PM)
> Claimant: Hey james I pulled the muscle in my knee yesterday and didn't get any better by five today so I went to the ER and got a shot and they told me to stay off of it and treat it,,,, And here's the work excuse they gave me. Do you want me to bring it in with me when I come back in?
>
> (22 May 2025, 9:35 AM)
> Dean: So did you get hurt at work?
>
> (22 May 2025, 12:33 PM)
> Claimant: yes, I tweeked it at the end of the day Tuesday and didn't think much about it until after I woke up the next morning with it, swollen and very painful,,, but I'll see you Monday morning, right?
> Dean: Did you report it to the hospital as a work related injury
> Claimant: do you plan on firing me
> Dean: I don't understand why it wasn't reported to me that you were injured at work. You said you hurt your knee but never told me that it happened here at work.
> Claimant: James, do you plan on firing me ye[s] or no man
> Claimant: I told you I just tweaked it Tuesday before I got off work and didn't think much about it because it wasn't bothering me at the time and I woke up the next morning. That's when it was swollen and painful that's when I told you.

[1] The spelling and punctuation from the messages are reflected here as they appeared in their original format.

> . . . [The conversation appears to continue, but parts of it are not included in the screenshots provided by the claimant.]
>
> Claimant: And I called you as soon as I got up to come to work and could not walk, did you not tell corporate about my knee being hurt when I notified you at 5:26 am. You're my supervisor and I notified you. James my messages are on file, don't want to argue and I'm not going to argue, you do what you have to do and I'm going to do what I have to do. I will report this to corporate if you don't.
> Dean: All you said is your knee was swollen and you needed to stay off it. Never once said you hurt it at work
> Dean: I have talked to HR about the incident.
>
> (27 May 2025, 11:13 AM)
> Dean: Can you talk, I need some details about the incident.
> Claimant: Yes what do you need james
> Dean: What time did this happen, what knee is it. How did it happen. What was you doing when it happened.
> Claimant: It was about 520 Tuesday afternoon. It's my right knee. I was cleaning off the tracks to the excavator. My right boot got stuck in the mud. I tried to pull it out a couple of times and it…. [The remainder of the text is not clear, and no additional screen shots were entered into evidence.]

[*Id*.]

The respondents provided Dean's written report from their incident investigation:

> On Tuesday 5/20/2025 Robert Johnson stayed late by himself. Robert has been asked not to stay on site alone. Robert called in on Wednesday 5/21/2025 morning and stated that his knee was swollen and he wanted to stay off it for the day. Robert never mentioned being hurt at work. On Thursday 5/22/2025 morning Robert sent a picture of a Dr's note and said they have him off work for 3 days. Again, Robert never mentions being hurt at work or wanting to see a doctor. After I, James Dean, saw the note I asked Robert if he was hurt at work. Robert said yes. I asked him what happened and how did the incident happen. He just states that he tweaked his knee and needed a few days to rest it. I asked Robert if he was filing this under workman's comp at the hospital and Robert stated no, he was not. On Monday 5/26/2025 Robert then asked if he could fill workman's comp and be seen by a Dr. That is when Robert claims he was cleaning the excavator tracks when his boot got stuck in the mud and he as he was trying the twist his leg and get the boot out of the mud, he tweaked his right knee. He then states that the incident happened around 5:20 pm on Tuesday 5/20/2025.

[Resp. Ex. № 1 at 2.]

The respondents also provided video footage of the claimant clocking out after his alleged injury. [Resp. Ex. № 2.] The video shows a two-story shop facility with a series of

doors on the right side of the frame. The claimant enters the frame through an open doorway while he appears to be looking down at a cellphone or doing something with his hands. He shifts his weight without any apparent trouble as he is looking at whatever is in his hands. He turns toward a pair of double doors and stands for a moment before taking one step and then another, leading both times with his right leg, towards the door. After a little more than a minute out of frame (he testified that he was clocking out during that time), he backs through the double door, steps to his left, and exits the frame via the same open doorway through which he had entered earlier. He does not appear to be in pain or favoring either leg. His clothes do not appear to be wet or muddy. The dry concrete floor that he is walking on does not have any wet marks or mud left from where he steps.

DISCUSSION

The claimant has failed to prove by a preponderance of the evidence that he sustained a compensable injury by specific incident to his right knee. This finding renders the other issues in this litigation moot. Accordingly, those additional issues will not be addressed below.

To prove a compensable injury by specific incident, the claimant must establish four (4) factors by a preponderance of the evidence: (1) that the injuries arose out of and in the course of his employment; (2) that the injuries caused internal or external harm to the body that required medical services or resulted in disability or death; (3) that the injuries are established by medical evidence supported by objective findings, which are those findings which cannot come under the voluntary control of the patient; and (4) that the injuries were caused by a specific incident identifiable by time and place of occurrence. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997). The employee has the burden of proving by a preponderance of the evidence that he sustained a compensable injury. Ark. Code Ann. § 11-9-102(4)(E)(i). 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. 269, 101 S.W.3d 252 (2003). If a claimant fails to establish by a preponderance of the evidence *any* of the requirements for establishing a compensable injury, compensation must be denied. *Mikel, supra.*

"Objective findings" are those findings which cannot come under the voluntary control of the patient. Ark. Code Ann. § 11-9-102(16)(A)(i). The requirement that a compensable injury must be established by medical evidence supported by objective findings applies only to the existence and extent of the injury. *Stephens Truck Lines v. Millican*, 58 Ark. App. 275, 950 S.W.2d 472 (1997).

There is no question that the claimant presented to the hospital with a significant knee injury on 21 May 2025. The crux of this matter is whether a preponderance of the evidence supports a finding that his injury arose out of and in the course of his employment on the previous day. Based on the credible record evidence, he has failed to meet that burden.

The claimant was not a credible witness. His testimony was not consistent, and his general demeanor lacked credibility. *See VanWagner, supra.* I found the claimant's mother to be credible witness. But her testimony was of minimal evidentiary weight. While she testified that the claimant appeared to make a telephone call at some point after she woke him up for work, she acknowledged that she could not verify whether he actually made the call to Dean early that morning.

According to the claimant, he hurt his knee after his right foot sank into a mud hole and got stuck. There were no witnesses, as this supposedly happened after hours when he was the only employee left at the worksite. He testified that the mud came up to the top of his boot and that he had to slip his foot out of the boot so that he could dig it out of the mud.

He also said that there was standing water in the hole and that if his jeans were not muddy, then they were at least wet. His right sock, too, had gotten wet or muddy. But the video gives no appearance of a man who had just dug himself out of being stuck shin-deep in a mud hole. His hands, arms, and clothes do not appear to be wet or muddy; and his boots do not leave any signs of water or mud on the dry concrete floor that he is seen walking across. The video evidence stands in contrast to his story of how and when his knee was injured.

The MRI study revealed that the claimant did have significant knee injuries, but Dr. Gordon testified that he would have expected those injuries to cause immediate and obvious signs of significant pain. While the claimant suggests that the video reveals him limping or favoring his right leg, I do not see any signs of injury from the claimant's movements. In the short span of time that he is seen on the video, he walks forward, turns, stands around, walks backwards, and moves sideways. He does not appear to be in pain or favoring his right knee or leg in any of those movements. Here again, the video evidence stands in contrast to the claim of a significant knee injury occurring while at work.

The claimant's story about when he reported his injury as having happened at work is also not consistent or credible. He testified at the hearing that he told Dean that he had been hurt at work during a supposed call first thing that morning. Dean, who I found to be a credible witness, denies that an early morning call ever took place. The first text message to Dean does not state that the claimant was injured at work. The claimant testified at his deposition that he had not told Dean about how he got hurt until *after* his emergency department visit on the evening of 21 May 2025. The text messages indeed show that Dean eventually asked the claimant if he had been hurt at work *after* the claimant's visit to the emergency department. The claimant did not begin attempting to remind Dean via text that he had (supposedly) already reported the injury as having happened at work until

after he began asking if he was going to be fired. The medical records, even, do not appear to relate the claimant's injury to the workplace until his third emergency department visit on 28 May 2025.

In sum, the claimant has failed to provide credible evidence to support his claim that his injury occurred while at work. His story about reporting the injury to Dean was not consistent. The medical records do not reflect a report of the injury happening at work until his third trip to the emergency department eight days later. And in the only available video, the claimant does not appear to have any injury— let alone a significant knee injury. Nor does he appear to have just dug himself out of a mud hole. Taking these things together, along with his demeanor as a witness at the hearing, I cannot credit his version of the supposed workplace events that caused his knee injury. He has, therefore, failed to prove by a preponderance of the evidence that he sustained a compensable injury by specific incident. Because he has failed to prove a compensable injury, the remaining issues in this claim are moot and are not being addressed in this Opinion.

IV. CONCLUSION

The claimant has failed to prove by a preponderance of the evidence that he suffered a compensable injury. His other claims related thereto are moot. This claim for initial benefits is denied and dismissed.

SO ORDERED.

_____
JAYO. HOWE
ADMINISTRATIVE LAW JUDGE