

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC NO. H208573**

DONNA MARIE JACKSON, EMPLOYEE

CLAIMANT

**STAGEHANDS LLC,
EMPLOYER**

RESPONDENT

**OHIO SECURITY INS. CO.,
CARRIER**

RESPONDENT

OPINION FILED JANUARY 5, 2026

Hearing before Chief Administrative Law Judge O. Milton Fine II on October 9, 2025, in Little Rock, Pulaski County, Arkansas.

Claimant *pro se*.

Respondents represented by Mr. Jason M. Ryburn, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

On October 9, 2025, the above-captioned claim was heard in Little Rock, Arkansas. A prehearing conference took place on August 4, 2025. The Prehearing Order entered that same day pursuant to the conference was admitted without objection as Commission Exhibit 1. At the hearing, the parties confirmed that the stipulations, issues, and respective contentions, as amended, were properly set forth in the order.

Stipulations

The parties discussed the stipulations set forth in Commission Exhibit 1. With a fifth reached at the hearing, they are the following, which I accept:

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

2. The employee/employer/carrier relationship existed on November 25, 2022, when Claimant sustained a compensable injury to her left shoulder.
3. Respondents accepted the above injury as compensable and paid medical and temporary total disability benefits pursuant thereto.
4. Claimant's average weekly wage entitles her to compensation rates of \$429.00/\$322.00.
5. Respondents ceased paying Claimant temporary total disability benefits in October 2024.

Issues

At the hearing, the parties discussed the issues set forth in Commission Exhibit

1. After the amendment of Issue No. 1, the following were litigated:

1. Whether Claimant's claim for an alleged neck injury is barred by the statute of limitations.
2. Whether Claimant sustained compensable injuries to her neck and upper back by specific incident.
3. Whether Claimant is entitled to reasonable and necessary medical treatment of her alleged compensable neck and upper back injuries.
4. Whether Claimant sustained a compensable mental injury.
5. Whether Claimant is entitled to reasonable and necessary treatment of her alleged compensable mental injury.
6. Whether Claimant is entitled to additional temporary total disability benefits.

All other issues have been reserved.

Contentions

The respective contentions of the parties, following amendment at the hearing, are as follows:

Claimant:

1. Claimant contends that on November 25, 2022, she sustained compensable injuries to her neck, back, and left shoulder when she was struck by a falling pipe.
2. Claimant further contends that she suffered a compensable mental injury in the form of post-traumatic stress disorder as a result of the above incident.
3. Finally, Claimant contends that she is not only entitled to reasonable and necessary treatment of her alleged compensable injuries, but to additional temporary total disability benefits as well.

Respondents:

1. All appropriate benefits have been paid.
2. Claimant did not sustain a compensable neck, back, or mental injury.
3. The applicable statute of limitations bars the claim for an alleged neck injury.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record as a whole, including medical reports, documents, and other matters properly before the Commission, and having had an opportunity to hear the testimony of Claimant and to observe her demeanor, I hereby make the following

findings of fact and conclusions of law in accordance with Ark. Code Ann. § 11-9-704 (Repl. 2012):

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. The stipulations set forth above are reasonable and are hereby accepted.
3. Claimant has not proven by a preponderance of the evidence that her claim for an alleged neck injury was timely filed. Instead, the preponderance of the evidence establishes that this portion of Claimant's claim is time-barred under Ark. Code Ann. § 11-9-702(a)(1) (Repl. 2012).
4. Claimant has not proven by a preponderance of the evidence that she sustained a compensable injury to her upper back by specific incident.
5. Because of Findings/Conclusions Nos. 3 and 4, *supra*, Claimant has not proven by a preponderance of the evidence that she is entitled to reasonable and necessary medical treatment of her alleged compensable neck and upper back injuries.
6. Claimant has not proven by a preponderance of the evidence that she sustained a compensable mental injury under Ark. Code Ann. § 11-9-113 (Repl. 2012).
7. Because of Finding/Conclusion No. 6, *supra*, Claimant has not proven by a preponderance of the evidence that she is entitled to reasonable and necessary treatment of her alleged compensable mental injury.
6. Claimant has not proven by a preponderance of the evidence that she is entitled to additional temporary total disability benefits for any period.

CASE IN CHIEF

Summary of Evidence

Claimant was the sole witness.

In addition to the Prehearing Order discussed above, the exhibits admitted into evidence in this case were Claimant's Exhibit 1, a compilation of her medical records, consisting of one abstract/index page and 11 numbered pages thereafter; Claimant's Exhibit 2, another compilation of her medical records, consisting of one page of narrative and nine numbered pages thereafter; Claimant's Exhibit 3, another compilation of her medical records, consisting of one abstract/index page and 13 numbered pages thereafter; Claimant's Exhibit 4, another compilation of her medical records, consisting of one abstract/index page and seven numbered pages thereafter; Claimant's Exhibit 5, another compilation of her medical records, consisting of one page of narrative and three numbered pages thereafter; Respondents' Exhibit 1, another compilation of Claimant's medical records, consisting of one index page and 12 numbered pages thereafter; and Respondents' Exhibit 2, non-medical records, consisting of four pages.

ADJUDICATION

A. Statute of Limitations

Introduction. As the parties have stipulated, Claimant sustained a compensable injury to her left shoulder on November 25, 2022. Her testimony was that on that day, from a great height, a co-worker dropped a metal object¹ that struck her. In this proceeding, she has alleged that as a result of that same accident, her neck was injured

¹The object was repeatedly termed a "pipe" in her medical records that are in evidence and in Claimant's testimony. However, near the end of her testimony, Claimant stated that the object was not hollow. Moreover, she estimated its dimensions

as well. At the outset, Respondents have raised the affirmative defense that the statute of limitations bars this claim insofar as it relates to the alleged neck injury.

Standards. Respondents have controverted this claim to the extent that it is one for benefits in connection with an alleged neck injury. See *supra*. Arkansas Code Annotated § 11-9-702(a)(1) (Repl. 2012) sets out the applicable statute of limitations concerning a claim for initial benefits:

A claim for compensation for disability on account of an injury, other than an occupational disease and occupational infection, shall be barred unless filed with the Workers' Compensation Commission within two (2) years from the date of the compensable injury. If during the two-year period following the filing of the claim the claimant receives no weekly benefit compensation and receives no medical treatment resulting from the alleged injury, the claim shall be barred thereafter. For purposes of this section, the date of the compensable injury shall be defined as the date an injury is caused by an accident as set forth in § 11-9-102(4).

The burden rests on Claimant to prove that her claim was timely filed. *Stewart v. Ark. Glass Container*, 2010 Ark. 198, 366 S.W.3d 358; *Kent v. Single Source Transp.*, 103 Ark. App. 151, 287 S.W.3d 619 (2008). Under Ark. Code Ann. § 11-9-705(a)(3) (Repl. 2012), she must do so by a preponderance of the evidence. The standard "preponderance of the evidence" means the evidence having greater weight or convincing force. *Barre v. Hoffman*, 2009 Ark. 373, 326 S.W.3d 415; *Smith v. Magnet Cove Barium Corp.*, 212 Ark. 491, 206 S.W.2d 442 (1947).

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's 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).

to be 2 to 2.5 inches in diameter and 2 to 2.5 feet long.

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.*

Discussion. None of the three Forms AR-C that were filed in this matter—which are contained on Respondents’ Exhibit 2 and bear filing dates of December 21, 2022, July 10, 2023, and September 22, 2025—makes any mention of a neck injury. Because of this, their filing does not toll the running of the aforementioned statute of limitations. See *Wynne v. Liberty Trailer*, 2022 Ark. 65, 641 S.W.3d 621. The following exchange took place during Claimant’s cross-examination:

- Q. Speaking of Form Cs, none of the Form Cs in the record list your neck, correct?
- A. I guess not. I though the neck was already in from the very beginning, but apparently y’all say—I mean, I have some medical record—I’m not sure if I gave him enough—that when Dr. Casey is looking at the neck, too, but I’m not sure what she sent off to them. Now I thought the neck was in play.

The evidence shows that the first time that Claimant brought to the attention of the Commission that she was claiming an alleged neck injury as a result of the stipulated November 25, 2022, work-related incident was during the August 4, 2025, prehearing telephone conference. Pursuant to that conference, as referenced above, the compensability of her alleged neck injury was made an issue. Assuming only for the sake of argument that the August 4, 2025, Prehearing Order constitutes a “claim” for purposes of determining when the running of statute of limitations began to be tolled—see *Bryant Sch. Dist. v. Aylor*, 2011 Ark. App. 173, 381 S.W.3d 895 (prehearing order constituted a claim for additional benefits); *Cook v. Southwestern Bell Telephone*

Company, 21 Ark. App. 29, 727 S.W.2d 862 (1987)—this came more than two years after the incident at issue. Claimant has thus failed to prove by a preponderance of the evidence that her claim for an alleged neck injury was timely filed. Instead, the evidence preponderates that this portion of her claim is time-barred under § 11-9-702(a)(1).

B. Compensability

Introduction. Claimant has also alleged that as a result of the stipulated work-related specific incident on November 25, 2022, she also sustained a compensable injury to her upper back. Respondents deny that this alleged injury is compensable.

Standards. Arkansas Code Annotated § 11-9-102(4)(A)(i) (Repl. 2012), which I find applies here, defines “compensable injury”:

(i) An accidental injury causing internal or external physical harm to the body . . . arising out of and in the course of employment and which requires medical services or results in disability or death. An injury is “accidental” only if it is caused by a specific incident and is identifiable by time and place of occurrence[.]

A compensable injury must be established by medical evidence supported by objective findings. Ark. Code Ann. § 11-9-102(4)(D) (Repl. 2012). “Objective findings” are those findings that cannot come under the voluntary control of the patient. *Id.* § 11-9-102(16). The element “arising out of . . . [the] employment” relates to the causal connection between the claimant’s injury and his or her employment. *City of El Dorado v. Sartor*, 21 Ark. App. 143, 729 S.W.2d 430 (1987).

If the claimant fails to establish by a preponderance of the evidence any of the requirements for establishing compensability, compensation must be denied. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997). This standard

means the evidence having greater weight or convincing force. *Barre v. Hoffman*, 2009 Ark. 373, 326 S.W.3d 415; *Smith v. Magnet Cove Barium Corp.*, 212 Ark. 491, 206 S.W.2d 442 (1947).

Discussion. I have closely reviewed Claimant's medical records that are in evidence. They are devoid of objective findings of a back injury. For that reason, she cannot prove by a preponderance of the evidence that she sustained a compensable upper back injury. This portion of her claim must fail at the outset.

C. Medical Treatment

Introduction. Claimant has alleged that she is entitled to reasonable and necessary medical treatment of her alleged neck and back injuries.

Standards. Arkansas Code Annotated Section 11-9-508(a) (Repl. 2012) states that an employer shall provide for an injured employee such medical treatment as may be necessary in connection with the injury received by the employee. *Wal-Mart Stores, Inc. v. Brown*, 82 Ark. App. 600, 120 S.W.3d 153 (2003). But employers are liable only for such treatment and services as are deemed necessary for the treatment of the claimant's injuries. *DeBoard v. Colson Co.*, 20 Ark. App. 166, 725 S.W.2d 857 (1987). The claimant must prove by a preponderance of the evidence that medical treatment is reasonable and necessary for the treatment of a compensable injury. *Brown, supra*; *Geo Specialty Chem. v. Clingan*, 69 Ark. App. 369, 13 S.W.3d 218 (2000). What constitutes reasonable and necessary medical treatment is a question of fact for the Commission. *White Consolidated Indus. v. Galloway*, 74 Ark. App. 13, 45 S.W.3d 396 (2001); *Wackenhut Corp. v. Jones*, 73 Ark. App. 158, 40 S.W.3d 333 (2001).

As the Arkansas Court of Appeals has held, a claimant may be entitled to additional treatment even after the healing period has ended, if said treatment is geared toward management of the injury. See *Patchell v. Wal-Mart Stores, Inc.*, 86 Ark. App. 230, 184 S.W.3d 31 (2004); *Artex Hydroponics, Inc. v. Pippin*, 8 Ark. App. 200, 649 S.W.2d 845 (1983). Such services can include those for the purpose of diagnosing the nature and extent of the compensable injury; reducing or alleviating symptoms resulting from the compensable injury; maintaining the level of healing achieved; or preventing further deterioration of the damage produced by the compensable injury. *Jordan v. Tyson Foods, Inc.*, 51 Ark. App. 100, 911 S.W.2d 593 (1995); *Artex, supra*.

Discussion. As shown above, Claimant's claim for an alleged neck injury is time-barred, while her alleged upper back injury has not been established. Therefore, she has not proven by a preponderance of the evidence her entitlement to reasonable and necessary treatment of these alleged injuries.

D. Mental Injury

Introduction. Claimant has also asserted that the stipulated work-related incident of November 25, 2022, caused her to suffer a mental injury as well. Respondents dispute this.

Standards. Arkansas Code Annotated § 11-9-113(a) (Repl. 2012) provides:

(a)(1) A mental injury or illness is not a compensable injury unless it is caused by physical injury to the employee's body, and shall not be considered an injury arising out of and in the course of employment or compensable unless it is demonstrated by a preponderance of the evidence; provided, however, that this physical injury limitation shall not apply to any victim of a crime of violence.

(2) No mental injury or illness under this section shall be compensable unless it is also diagnosed by a licensed psychiatrist or psychologist and unless the diagnostic of the condition meets the criteria established in the

most current issue of the Diagnostic and Statistical Manual of Mental Disorders [“DSM”].

Discussion. The version of the DSM that was in effect at the time of the November 25, 2022, incident was the DSM-5-TR (5th ed. Text Revision), which was released by the American Psychiatric Association in March 2022.

In considering whether Claimant was a “victim of a crime of violence,” and thus is relieved from the requirement that she show that her alleged mental injury was caused by her physical injury, I note that she testified that a co-worker, whom she identified as Rustin Braxton or Rustin Baxter (she was unsure of his last name), threatened her prior to the incident at issue. Her testimony was that while they were working on the Anastasia concert at Reynolds Hall at the University of Central Arkansas, he told her that he was going to drop a pipe on her; supposedly, he warned her to “[w]ear a hard hat.” But she admitted that she never reported to law enforcement either the alleged threat at Reynolds Hall or the alleged battery² at Robinson Center on November 25, 2022, where she suffered a stipulated compensable left shoulder injury after being struck by a falling object. After considering her bare, unsupported testimony on this matter, and having had a chance to assess her credibility, I find that I am unable to credit her account. Therefore, in order to prove that she sustained a compensable mental injury, Claimant must establish, inter alia, that such was caused by her compensable physical injury—namely, the one that the parties agree that she suffered to her left shoulder.

At the hearing, Claimant testified that she included some, but not all, of her mental health treatment records in her exhibit. When she was seen at the University of

Arkansas for Medical Sciences (“UAMS”) on January 17, 2023, a report was prepared that reads in pertinent part:

She continues to suffer with ongoing anger and anxiety with ongoing auditory hallucinations. She states feeling “bad about the children” who are being targeted by sexual predators and upset that men are not being held accountable for their behavior . . . Patient with known history of Bipolar Disorder.

As a result of this visit to UAMS, Claimant was diagnosed as having a “Mood disorder” and was given an “Ambulatory Referral to Psychiatry/Mental Health.” The referral in question was to RPI Behavioral Health. Nothing in the above report points to her stipulated compensable left shoulder injury as being the cause of any mental health issue, whether it be her bipolar disorder—which, as she acknowledged at the hearing, this record shows was pre-existing—or the “mood disorder.”

Included in the documentary evidence are letters dated August 26, 2024, and October 3, 2024, from Kelsey McClellan, M.D., who identifies herself as board-certified as a general psychiatrist and as a child and adolescent psychiatrist. Both letters reads in pertinent part:

Donna is currently a patient at RPI, and I am the treating psychiatrist. Donna was first seen in our clinic on 04.30.2024 by therapist Melissa Ingram, and last seen in my clinic on 08.26.2024 by myself, Dr. Kelsey McClellan. They carry the following diagnoses:

Diagnoses:
(309.81 / F43.10) Posttraumatic stress disorder
(300.00 / F41.9) Unspecified anxiety disorder
(780.59 / G47.8) Other specified sleep-wake disorder

But, assuming only for the sake of argument that Claimant’s records support the PTSD diagnosis that she has been given, the evidence does not establish that it was

²See Ark. Code Ann. §§ 5-13-201 *et seq.* (Repl. 2013).

caused by her stipulated compensable left shoulder injury. This is shown by the following citation under the “Review of Systems” segment of Claimant’s RPI treatment records:

Trauma: Reports physical, emotional, and sexual abuse as a child; reports co-workers purposefully dropped a pipe on her at work after she turned them in for suspected child pornography; reports that ex-husband video-taped her without her knowledge.

Two of these matters are clearly unrelated to the claim at bar. For that reason alone, only through speculation and conjecture could I causally relate her PTSD diagnosis to her being struck by the metal object at work on November 25, 2022. But this I am not permitted to do. See *Dena Construction Co. v. Herndon*, 264 Ark. 791, 796, 575 S.W.2d 155 (1979). In sum, Claimant has not proven by a preponderance of the evidence that she sustained a compensable mental injury.

E. Mental Health Treatment

Claimant has asserted that she is entitled to reasonable and necessary treatment of her alleged PTSD. But because she has not established that she suffered a compensable mental injury, she cannot show entitlement to this treatment,

F. Temporary Total Disability

Introduction. Claimant has also contended that she is entitled to additional temporary total disability benefits. Respondents deny that this is the case.

Standards. The compensable injury to Claimant’s left shoulder is unscheduled. See Ark. Code Ann. § 11-9-521 (Repl. 2012). An employee who suffers a compensable unscheduled injury is entitled to temporary total disability compensation for that period within the healing period in which she has suffered a total incapacity to earn wages. *Ark. State Hwy. & Transp. Dept. v. Breshears*, 272 Ark. 244, 613 S.W.2d 392 (1981).

The healing period ends when the underlying condition causing the disability has become stable and nothing further in the way of treatment will improve that condition. *Mad Butcher, Inc. v. Parker*, 4 Ark. App. 124, 628 S.W.2d 582 (1982). Also, a claimant must demonstrate that the disability lasted more than seven days. *Id.* § 11-9-501(a)(1).

Discussion. As the parties have stipulated, Claimant related in her testimony that as a result of her shoulder injury, she was paid temporary total disability benefits for nearly two years—until October 2024. She is seeking additional benefits of this type from the date they were ended until she went to work for her father in January 2025—a period of approximately three months. Even though she testified that her left shoulder was continuing to bother her during this period, preventing her from going back to work along the lines that she performed for Respondent Stagehands LLC, this changed in January when her father offered her work that she could do from a computer.

The above notwithstanding, the evidence before me shows that Claimant underwent a functional capacity evaluation on September 13, 2024, that reflected that she gave an unreliable effort. For that reason, Dr. Barry Baskin wrote on September 19, 2024:

She is released from my f/u [follow-up] care. She has (0%) PPI [permanent partial impairment]. She is at MMI [maximum medical improvement] 9/19/24[.]

The Commission is authorized to accept or reject a medical opinion and is authorized to determine its medical soundness and probative value. *Poulan Weed Eater v. Marshall*, 79 Ark. App. 129, 84 S.W.3d 878 (2002); *Green Bay Packing v. Bartlett*, 67 Ark. App. 332, 999 S.W.2d 692 (1999). I credit the opinion of Dr. Baskin regarding this matter, and find that the preponderance of the evidence establishes that Claimant reached the

end of her healing period on September 19, 2024. Since that was, per Stipulation No. 5, prior to the cessation of her temporary total disability benefits, she has not proven her entitlement to additional such benefits for any period of time.

CONCLUSION

In accordance with the Findings of Fact and Conclusions of Law set forth above, this claim is hereby denied and dismissed.

IT IS SO ORDERED.

Hon. O. Milton Fine II
Chief Administrative Law Judge