

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H206280**

JACQUELINE LANGFORD, EMPLOYEE	CLAIMANT
DE WAFELBAKKERS, INC., EMPLOYER	RESPONDENT
CHUBB INDEM. INS. CO., CARRIER/TPA	RESPONDENT

OPINION FILED OCTOBER 8, 2025

Hearing before Administrative Law Judge, Steven Porch, on September 9, 2025, in Little Rock, Pulaski County, Arkansas.

Claimant is *Pro Se*, Little Rock, Arkansas.

Respondents were represented by Mr. Rick Behring, Jr., Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A full hearing was held on this claim on September 9, 2025. A prehearing telephone conference took place on June 18, 2025. A prehearing order was entered on the same day, and subsequently entered into evidence as Commission Exhibit 1, without objection or amendment. The parties confirmed the stipulations and the issues at the hearing. The parties' stipulations are set forth.

STIPULATIONS

By agreement of the parties, the stipulations applicable to this claim are as follows:

1. The Arkansas Workers' Compensation Commission has jurisdiction of the within claim.
2. An employer/employee/carrier relationship existed on August 17, 2022, when Claimant sustained compensable injuries to her neck and back.
3. Respondents accepted the Claimant's claim as compensable and certain benefits have been paid.
4. Respondents have controverted any other alleged injuries.

5. The parties stipulate to Claimant's average weekly wage of \$620.00, entitling her to temporary total disability (TTD) benefit rate of \$414.00 weekly, and her permanent partial disability (PPD) benefit rate of \$311.00 weekly.

By agreement of the parties, the issues to be presented at the hearing are as follows:

1. Whether Claimant is entitled to additional medical treatment in the form of physical therapy for her compensable neck injury.
2. Whether Claimant is entitled to any additional Temporary Total Disability (TTD) benefits from September 9, 2022, to July 1, 2025.¹

All other issues are reserved.

CONTENTIONS

Claimant contends:

On the day of her injury, the facility was conducting sanitation procedures, and all employees were expected to wear non-slip boots provided by the job. However, she was unaware of this policy and slipped on the stairs while coming down, sustaining injuries to both hands, shoulders, upper and lower spine and right leg, causing her to have bulging disc in her neck and back as she tried to break her fall.

Respondent contends:

1. To date, all benefits to which the Claimant is entitled have been paid and have not been controverted.
2. The Respondents accepted as compensable injuries to the neck and back arising from a specific incident. The Respondents have controverted any other alleged injuries.
3. To date, the Respondents have paid for all reasonable and necessary medical treatment.
4. Dr. Edward Saer released the Claimant at MMI with no impairment on or about February 13, 2023. Following that, the Claimant requested a change of physician to Dr. Mike Umerah (A pain management specialist). The Respondents authorized recommended treatment for the compensable injuries from Dr. Umerah.

¹ The Claimant stated during the full hearing that she was seeking additional TTD benefits from September 9, 2022, to July 1, 2025. Therefore the issue was amended to make the issue concise.

5. On April 24, 2024, Dr. Saer reaffirmed his opinion that the Claimant was MMI with no impairment.
6. On April 18, 2025, Dr. Wayne Bruffett reaffirmed Dr. Seale's finding that the Claimant was MMI. Dr. Bruffett opined that the Claimant needed no additional medical treatment, had no permanent anatomical impairment, and needed no work restrictions related to the compensable injuries sustained on August 17, 2022.
7. The Respondents contend the Claimant is entitled to no additional benefits – medical or indemnity – related to this claim.
8. The Respondents reserve the right to supplement and/or amend their contentions prior to the Full Hearing.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Therefore, after a thorough consideration of the facts, issues, the applicable law, and the evidentiary record, 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. The Claimant has failed to prove by the preponderance of the evidence that she is entitled to additional medical treatment in the form of physical therapy for her compensable neck injury.
4. The Claimant has failed to prove by the preponderance of the evidence that she is entitled to additional TTD benefits.

CASE IN CHIEF

Summary of Evidence

The record is made up of Respondents' Exhibit 1, medical records, consisting of 32 pages; Respondents' Exhibit 2, unemployment records, accident injury, consisting of 28 pages; Commission Exhibit 1, Pre-Hearing Order filed June 18, 2025, consisting of 6 pages. The Claimant

did not enter any exhibits into the record. The Claimant was the only witness testifying at the full hearing.

The Claimant was employed as a production packer for the Respondent/Employer. Her job involved packing pancakes in label boxes. On August 17, 2022, while at work the Claimant fell down a wet staircase injuring her neck and back. The claim was accepted by the Respondents and medical, as well as TTD benefits were paid. Dr. Edward Saer determined that Claimant had reached maximum medical improvement from her work-related injury on February 13, 2023. Resp. Ex. 1, p. 26. Claimant received a second opinion by Dr. Wayne Bruffett on April 18, 2025. Resp. Ex. 1, pp. 27-31. Dr. Bruffett noted that the Claimant has a history of chronic fibromyalgia. *Id.* Dr. Bruffett further noted that he reviewed both her cervical and lumbar x-rays and MRI scans. *Id.* His review found that Claimant had some disc degeneration at L5-S1 and some endplate Modic changes but no evidence of acute fracture or specific disc herniation or objective evidence of injury because of her work-related injury. *Id.* Dr. Bruffett concluded that he felt that no additional medical treatment was necessary, and that Claimant had reached maximum medical improvement. *Id.*

The Claimant testified that she has been in pain every day and feels that physical therapy on her neck will help her with her pain. TR 15-17. But did admit that when she last underwent physical therapy on her neck that it helped her on some days and not on others. TR 17. Nevertheless, the Claimant feels that the machines at the physical therapist's office will help her with her pain.

The Claimant also requested TTD benefits from September 9, 2022, to July 1, 2025. The Claimant testified that she received TTD benefits for two weeks after her work-related incident. The Claimant testified that she was allowed to come back to work on light duty but refused to do so because she felt she was not physically able to do so. TR 30-31. The Claimant did not testify as

to how many days she was off work from September 9, 2022, to July 1, 2025, due to her work-related injury. But she feels entitled to those days.

Adjudication

- A. Whether Claimant is entitled to additional reasonable and necessary medical treatment, including surgeries by unauthorized physician, Dr. David M. Rhodes, and related expenses, including mileage and out of pocket expenses.

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). 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). 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).

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.*

The Claimant has a compensable neck injury and desires physical therapy. However, Dr. Saer determined that Claimant had reached maximum medical improvement from her work-related injury on February 13, 2023. Resp. Ex. 1, p. 26. Dr. Wayne Bruffett, on April 18, 2025, concluded in his second opinion that Claimant needed no additional medical treatment, and that Claimant had reached maximum medical improvement. Resp. Ex. 1, pp. 27-31. I credit the opinions of Dr. Saer and Dr. Bruffett. Thus, I find by the preponderance of evidence that Claimant's healing period ended February 13, 2023.

Nevertheless, 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 Hydrophonics, 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*. A claimant is not required to furnish objective medical evidence of her continued need for medical treatment. *Castleberry v. Elite Lamp Co.*, 69 Ark. App. 359, 13 S.W.3d 211 (2000).

The Claimant is seeking relief from her symptoms, pain in her neck. The question is whether physical therapy is a reasonable treatment. The Claimant has not presented any reliable evidence that this treatment is reasonable. Rather Dr. Bruffett has opined that additional medical treatment is not necessary. And as stated previously, I credit this opinion. Thus, I find by the

preponderance of the evidence that Claimant has not proven she is entitled to additional medical treatment in the form of physical therapy for her neck.

B. Whether Claimant is entitled to additional temporary total disability benefits from September 9, 2022, to July 1, 2025.

In this proceeding, Claimant has also claimed entitlement to additional temporary total disability benefits from September 9, 2022, to July 1, 2025. Respondents stipulated that they did pay some benefits under the claim but maintained that Claimant was not entitled to any temporary total disability benefits.

The alleged injuries to Claimant's back and cervical spine are 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).

The Claimant testified that she is requesting TTD benefits from September 9, 2022, to July 1, 2025. I have previously found that the Claimant's healing period ended on February 13, 2023. The Claimant has not presented any reliable evidence demonstrating that she has entered another healing period after February 13, 2023. Therefore, she does not qualify for benefits after that date, so my analysis will be from September 9, 2022, to February 13, 2023. The Claimant must prove that she suffered a total incapacity to earn wages during this period. The Claimant has not produced any reliable evidence that she suffered a total incapacity to earn wages. The Claimant testified that she did receive TTD benefits at the beginning of her claim. TR 30. And she acknowledged during the hearing that around the time she was receiving TTD benefits she was placed on light duty but

refused to return to work based on her own feelings. TR 30-31. The Claimant has failed to meet her burden. Therefore, the Claimant has not proven by the preponderance of the evidence that she is entitled to TTD benefits from September 9, 2022, to July 1, 2025.

CONCLUSION

In accordance with the Findings of Fact and Conclusions of Law set forth above, the parties shall act consistent with this opinion.

IT IS SO ORDERED.

Hon. Steven Porch
Administrative Law Judge