

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H406268

DEMEKIA MOSLEY, EMPLOYEE

CLAIMANT

**NORTH LITTLE ROCK SCHOOL DISTRICT,
EMPLOYER**

RESPONDENT

**ARKANSAS SCHOOL BOARDS ASSOCIATION,
INSURANCE CARRIER/TPA**

RESPONDENT

OPINION FILED NOVEMBER 21, 2025

Hearing before Administrative Law Judge, James D. Kennedy, on the 23rd day of September, 2025, in Little Rock, Arkansas.

Claimant is represented by Gregory R. Giles, Attorney at Law, of Texarkana, Arkansas.

Respondent is represented by Guy Wade, Attorney at Law, of Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on the 23rd day of September, 2025, to determine the issue of compensability of an alleged right knee injury that Claimant contends is work related, reasonable and necessary medical treatment and specifically surgery by Dr. Reynolds, attorney fees, with all other issues reserved. The respondents contend that the claimant did not sustain a compensable right knee injury in the course and scope of her job or in relation to the injury. 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 August 23, 2024, and at all relevant times. The parties stipulated at the time of the hearing that the

Claimant was earning an average weekly wage of \$616.64, sufficient for a TTD rate of \$411.00 and a PPD rate of \$308.00.

The Claimant's and the Respondent's contentions were all set out in their respective responses to the Pre-hearing Questionnaire and made a part of the record without objection. The Claimant contended that she sustained a compensable injury on August 23, 2024, that the medical treatment she has received to date has been reasonable, necessary, and related, such that Respondents should be ordered to pay for same, and contends that she is entitled to the additional medical treatment recommended, specifically the surgery proposed by Dr. Reynolds, and any additional benefits that follow from that procedure, which include temporary total and permanent partial disability payments.

The Respondents contend that the Claimant did not sustain a compensable left leg or right knee injury in the course and scope of her job or in relation to the injury. Claimant was treated and released in relation to the August 23, 2024, event, and no additional treatment is reasonable, necessary, or related, and the Claimant's claim should be denied and dismissed.

The sole witness was the Claimant, Demekia Mosley. 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 witness, 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 August 23, 2024, and at all relevant times.
3. That the Claimant earned an average weekly wage of \$616.64, sufficient for a TTD/PPD rate of \$411.00/\$308.00 respectively.
4. That the claimant has proven by a preponderance of the credible evidence that she sustained a compensable work-related injury to her right knee on August 23, 2024.
5. That the claimant is found to be entitled to reasonable and necessary medical for the treatment of the work-related right knee injury and specifically the treatment at Urgent Care and the treatment by and recommended by Dr. Reynolds.
6. That the Claimant is entitled to attorney fees pursuant to A.C.A. 11-9-715.
7. If not already paid, the respondents are ordered to pay for the cost of the transcript forthwith.
8. All other issues are reserved.

REVIEW OF TESTIMONY AND EVIDENCE

The Pre-hearing Order along with the Pre-hearing questionnaires of both parties were admitted into the record without objection. The Claimant submitted an exhibit of records consisting of 20 pages, which was admitted without objection. The Respondents

submitted an exhibit of records consisting of 13 pages, that was admitted without objection.

The Claimant was the only witness to testify. She was 48 years old at the time of the hearing, graduated from North Little Rock schools in 1995, and attended Philander Smith for a year and a half. She later took the paraprofessional test, passed it in December of 2018, and became a substitute teacher. She is currently employed with the North Little Rock School District at the North Little Rock Academy Virtual Program where she works as a Virtual Paraprofessional, starting in 2019. She testified that she works from her office in the North Little Rock Academy building, and the child that she is involved with is at home, working virtually. She had worked in this position for two years prior to being injured while working for the school district. She admitted she had been previously injured while working for the school district back in 2019, while working at Crestwood Elementary, where she tripped over a student playing volleyball. At that time, she injured her left knee and ended up receiving a meniscus repair, which did not resolve the meniscus issue. She then received a second surgery in the spring of 2021, which resulted in a “high tibial osteotomy and another meniscus repair,” under the care of Dr. Kirk Reynolds. Dr. Reynolds ultimately released her with a 25-percent impairment rating for the injury. In regard to her right knee, she only had some aches and pains prior to the incident which she associated with overuse, due to overcompensating, and she never received any treatment, even though she complained to Dr. Reynolds. She attempted to obtain treatment for her right knee but stated that Workers’ Compensation denied the treatment recommended. (Tr. 6 – 9)

The Claimant was asked about her use of a cane and responded that she had used it since her release by Dr. Reynolds, after the left-knee injury. She used the cane to give her some stability in her walk and to take pressure off her left knee. After she was released in 23, there was no continuous treatment. She admitted to some pain and discomfort with the left knee and that she takes Tylenol and Advil to help with the pain. She also admitted to a certification for medical marijuana, and sought it to help with the pain, because she needed more than Tylenol and Advil, in regard to her left knee. She also admitted to having fibromyalgia, which was diagnosed about 10 years ago. She has multiple aches and pain which involves her full body, arms, legs, feet, and hands. She also denied ever seeking treatment for her right knee back in 2023. (Tr. 10 - 12)

In regard to her right knee, the Claimant stated she was not having any symptoms or problems prior to the accident, but that on August 23, 2024, she was sitting at her computer desk in her office where her chair rolls and teeters. She was working with a student, writing on an easel to her left, and reached for an eraser out in front of her, when as she puts it, "I feel the chair starts to - - it tilts me kind of forward and, as it tilts me forward, the wheels roll and the chair goes back this way and it, like, dumps me out of the chair, and I pancake to the ground, the ground. My buttocks - - my buttocks hit the corner, the metal part corner of the easel." The chair came out from underneath her. (Tr. 13 – 15) She testified that she "just pancaked to the ground, legs flat out in front of me onto my bottom." "The immediate pain was in my buttocks. I could tell that I had maybe punctured something. I - - I went to the restroom, and I, you know, looked at it. I saw a - - deep gash and there was blood." She also had a long spot on her left leg, right below her knee. She also stated she was five feet tall and weighed 240 pounds, about the same as at the time

of the accident. (Tr. 16) There were no witnesses, since she was in her office. However, Coach Bernard heard her fall and came to see what happened. He physically dragged her from under the desk, and after going to the bathroom, she then went to the office to report what had happened and completed a Form N at that time, which she personally filled out. It appeared it was reported about 12:30, about 45 minutes after the accident. (Tr. 17 – 19) She didn't mention her left leg scrape in the report because she had not seen it yet, due to it being under her clothing. She also did not mention her right knee because it was not the acute problem, which was her buttock. She did not go to the doctor that day, but finished her workday, and admitted to not going to the doctor that week. (Tr. 20)

“After a few days, about a week - - about a week, you know, the - - the normal aches and pains started to subside, you know, pains that you might get from an injury. My hip and my left buttocks, you know, the pain started easing and going away, and my - - cause I had general body aches because I fell, but, you know, once all that started going away, the knee never stopped. It got worse.” She went on to testify that in regard to her knee, there was some clicking and catches when she walked, and it would buckle, and she would almost fall. The pain was constant. She then called Melody Tipton, the claims adjuster who dealt with her 2019 claim. (Tr. 21) Up until that time, she had not contacted her in regard to the right knee. The Claimant wanted to make sure she was following the protocol, and she was having issues with her knee. They fussed at her for not following the protocol back in 2019. She went on to testify that she told Ms. Tipton that she was having issues with her right knee and that something was going on with it. “It - - it feels a lot like what was going with this left knee, and I need - - I need - - I need

someone to look at it. (Tr. 22) She was having the “same issues, the same problems, that constant pain, that clicking, the instability where the knee would buckle...” “Ms. Tipton told me that she - - they did not believe that this injury was caused by - - and that they would not cover it.” The Claimant told her she was going to Urgent Care and Ms. Tipton said that “You probably should go” but that she was not authorizing it. The Claimant felt like she had injured her knee on August 23rd of 2024, because there had not been any other incidents. She went to Springhill Urgent Care on September 26th of 2024, a little more than a month after the incident. The progress note provided the date of the injury was August 30th, 2024, and the claimant testified she got her days mixed up. (Tr. 23, 24)

The doctor at Urgent Care examined her right knee, took some X-rays, and referred her to Dr. Reynolds, an orthopedist, because he had taken care of her left knee. She then saw Dr. Reynolds on October 23rd of 2024. He examined her knee and reviewed the x-rays. The Claimant insisted on an MRI due to the fact she had learned that x-rays would not show tears and Dr. Reynolds then ordered one. The Claimant testified that she had not had any treatment since the MRI findings with Dr. Reynolds, but that he had recommended surgery. (Tr. 25 – 26) She was concerned about being off work due to the fact she had been off work for a year with her left knee. She has continued to work for the Respondent. In regard to her knee at the time of the hearing, she stated that she had a lot of instability, and it buckles at times. It clicks and pops and she is in constant pain. She positions it a certain way at night, due to the pain being so bad. She asked to have the surgery with Dr. Reynolds. (Tr. 27, 28)

Under cross examination, the Claimant testified her current method of work started shortly after Covid, and that was when she started working from a particular room and

addressing one student online, over the computer, who was at home. In 2019, the Claimant admitted she was actually playing volleyball with some of the students when she tore her meniscus. She also admitted she was still having trouble with her left knee, that the bones around her kneecap had not healed correctly, and that she had been diagnosed with post-traumatic osteoarthritis. The Claimant also admitted being in an automobile accident in 2020, where she injured her low back and that she had been treating with Pain Treatment Centers of America, where she had received steroid injections, a nerve ablation, and pain killers. She also admitted being diagnosed with fibromyalgia in 2015, a degenerative disc disorder in her neck, and suffering pain daily. She admitted that she used medical marijuana four or five days out of the week and was dealing with all of these issues prior to the incident in 2024.

The Claimant also admitted having some right knee issues prior to the incident in August of 2024. She admitted talking to Dr. Reynolds about it while he was treating her for her left knee issues and the pain was described as overuse or compensating on her right leg because of the issues she was having with her left leg. (Tr. 29 - 35) She admitted to using the cane for her left knee issues and that she leaned more to the right than the left, after the first surgery. (Tr. 35) She also admitted filling out the Form N and signing it on August 23, 2024, shortly after the incident, and that the Form N only mentioned her buttocks but not the scrape on her left knee or her right knee. She also agreed that the first place she visited for health care following the August 23rd incident of 2024, was her visit to Urgent Care, a little over a month after the incident. She did not report any pain or soreness associated with her right knee. She went on to testify that “My whole body was in pain after the fall up until that time” which was two or three weeks later. (Tr. 36, 37) The

other pains “started wearing away” but the knee “was the one pain that did not stop.” She noticed the knee pain two weeks later and that was when she called Melody Tipton. (Tr. 38)

In regard to her fall, the claimant admitted the chair went out and she went straight down on the ground. Her legs were out in front of her and she had immediate pain in her left buttocks. She was able to complete her regular hours, however. She also admitted providing the information to Dr. Reynolds and to Urgent Care. She also admitted her first visit to Dr. Reynolds involving the right knee, was on October 23rd, 2024, almost two months after the event. He had last seen her on September 20th, 2023, for a follow up, and she had some right-knee pain at that time that was likely associated with her overcompensation of her right-lower extremity, due to multiple surgeries on the left. She also admitted obtaining her medical marijuana certification around 2022 and using it pretty consistently since that time. (Tr. 39 - 41) She admitted it helped her left knee, back, and neck. She called Ms. Tipton because her right knee pain was not going away, and the other soreness of her body was wearing off. She was then asked the following question:

Q: Well, if you landed on your buttocks with your legs straight out, how did you twist your right knee or your left knee?

A: I don't know if I - - When I fell out of the chair, I pancaked straight onto that concrete ground.

The claimant admitted that her knee was not underneath her, after her fall. (Tr. 42) She also admitted that at the time of the fall, at 11:45 a.m., August 23, 2024, she did not notice a tear, a rip issue, or immediate pain, with her right knee. She did however add that she had soreness. (Tr. 42, 43)

On redirect, the Claimant testified that prior to the August 23, 2024, incident, she was just experiencing a general ache in her right knee, like arthritis. After the fall, the pain did not stop. (Tr. 44)

The Claimant's medical exhibit consisted of 21 pages. The initial medical report provided that the Claimant presented to Springhill Urgent Care on September 26, 2024. The report provided that in regard to her right knee, the positive abduction test was abnormal. The Claimant had fallen at work a couple of weeks ago. The x-rays showed mild to moderate degenerative changes of the knee. The diagnosis simply provided for pain in the right knee. (Cl. Ex. 1, P. 2 – 7)

A letter dated September 26, 2024, from Melody Tipton of the Arkansas School Boards Association, provided that the claim for additional medical treatment for the right knee was denied, and it was their opinion that her injuries did not arise out of or within the course of her employment which would make it not compensable. (Cl. Ex. 1, P. 8) The Claimant then presented to OrthoArkansas on October 23, 2024. The report provided that the Claimant presented with gradually worsening right knee pain, with swelling, instability, catching and clicking since the incident. The report also provided for internal derangement of the right knee, with a differential diagnosis providing for acute or chronic pain associated with osteoarthritis versus an acute medial meniscus injury. The report went on to provide that the treating doctor wondered how much of her current pain was coming from arthritic changes. (Cl. Ex. 1, P. 9 – 12)

Later, an MRI of the right knee on November 5, 2024, provided for a horizontal flap tear of the right medial meniscus posterior horn with a displaced meniscal flap posteriorly and superiorly. (Cl. Ex. 1, P. 13) On November 6, 2024, a progress note from Dr.

Reynolds provided for a complex medial meniscus tear of the right knee. (Cl. Ex. 1, P.14 – 16)

The Respondents submitted 14 pages of records that were admitted without objection. The First Report of Injury dated September 26, 2019, involved the previous left knee injury and provided for a sprain of the knee. (Resp. Ex. 1, P. 1) An AR-N Form dated August 23, 2024, provided the Claimant was reaching for something on her desk, which caused the chair to roll out underneath her, and she then fell to the floor. Coach Barnard came into her office and helped her off the floor. The report additionally provided she injured her buttocks. (Resp. Ex. 1, P. 3) The Respondents also submitted the same two medical reports discussed above. Additionally, the Respondents introduced the AR - C Form dated November 21, 2024, which provided the Claimant's injury occurred on August 30, 2024, and which involved her right knee, when her chair came out from under her, and she fell to the floor. (Resp. Ex. 1, P. 13)

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 she is entitled to compensation benefits for the injury to her right knee. In determining whether the claimant has sustained her 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, the facts are basically undisputed. The Claimant is a 48-year-old Virtual Paraprofessional who works in a private office at the North Little Rock Academy Building for the North Little Rock School District (Respondents). She works with a student at home, working online, and this method of teaching has been going on since the start of Covid. While working online with a student on a lesson on August 23, 2024, the Claimant reached for an item and the chair where she was seated scooted or tilted and she fell out of the chair onto the floor on her bottom, with the fall making enough noise that the coach in the office next door came in and checked on her and assisted her in getting up. She admitted that her legs were straight out when seated on the floor. Her pain at the time was mainly in her buttocks and she immediately went into the restroom to review the damage. She then went and reported the fall to her supervisor and worked the remainder of the day. Over the next few weeks, the pain in her body and primarily her buttocks subsided, but according to the testimony of the claimant, the pain in her right knee increased. She contacted the women who took care of her previous left knee injury, which was covered by workers' compensation, and was told that her current injury was not a workers' compensation claim. She later went to Springhill Urgent Care on September 26, 2024, and the x-rays of her right knee showed mild to moderate changes. She was then referred to Dr. Reynolds at OrthoArkansas on October 23, 2024. Dr. Reynolds had previously treated Claimant's left knee injury and performed two surgeries on her left knee, as a result of a work-related meniscal tear. In regard to the right knee, Dr. Reynolds initially opined that the Claimant was suffering from an internal derangement of the right knee with a differential diagnosis of acute or chronic pain, associated with osteoarthritis. The Claimant requested an MRI due to her personal knowledge that certain tears did not

appear on x-rays, based upon her left knee experience. Consequently, Dr. Reynolds ordered an MRI. The MRI of November 5, 2024, provided for a horizontal tear of the right medical meniscus, and Dr. Reynold's report of November 6, 2024, provided for a meniscus tear of the right knee.

The Claimant admitted that she was still suffering from left knee pain and that she was suffering from some right knee pain prior to the fall from the chair on August 23, 2024. However, the Claimant testified that the pain worsened over time after the fall from the chair. She also admitted to taking Tylenol, Advil, and that she possessed a medical marijuana certificate, which she used regularly. She also admitted to lower back pain, and Fibromyalgia.

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). Under Arkansas Workers' Compensation law, it is also clear that an employer takes the employee as it finds him or her and employment circumstances that aggravate preexisting conditions are compensable. Heritage Baptist Temple v. Robinson, 82 Ark. App. 460, 120 S.W.3d 150 (2003).

Here, the medical records provide that the Claimant was suffering from a number of maladies prior to the August 23rd, 2024, incident, which included a left knee work-related meniscus tear from an earlier injury. The Claimant was suffering from various pains and complaints, with many based upon osteoarthritis. However, she testified that her right knee pain increased as the remainder of the pain she attributed to the fall from the chair subsided. Ultimately, she was diagnosed with a meniscus tear after receiving the requested MRI. Small meniscus tears may have little to no pain. A Claimant is not required in every case to establish the 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). Arkansas courts have long recognized that a casual relationship may be established between an employment-related incident and a subsequent physical injury, based on evidence that the injury manifested itself within a reasonable period of time following the incident so that the injury is logically attributable

to the incident, where there is no other reasonable explanation for the injury. Hail v. Pitman Construction Co. 235 Ark. 104, 357 S.W.2d 263 (1962). A workers' compensation claimant bears the burden of proving the 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) Cases such as the present one presents problems that gradually and imperceptibly progress from issues of law to issues of fact. Here, it is clear that Claimant fell from her chair in a work-related incident. The fall made enough noise that the Coach next door came to check on the Claimant and then assisted her in getting up. Over a relatively short period of time, the Claimant's right knee pain increased per the testimony of the Claimant. Although the Claimant's testimony regarding her knee pain is not controlling, her testimony appeared believable and she later requested an MRI be ordered by Dr. Reynolds, who obliged her. The Claimant had previously developed some personal knowledge about a meniscus tear, based upon her compensable left knee meniscus tear. There is no evidence of any additional intervening accidents. The right meniscus tear that was diagnosed is found to have been diagnosed by an MRI within a reasonable period of time. Based upon the available evidence in the case at bar, the Claimant's historic knowledge of that type of injury, and the finding of the MRI of the left knee, there is no alternative but to find that the claimant has satisfied the burden of proof to show that the injury on August 23, 2024, resulted in a right knee meniscus tear and is in fact work related and compensable under the Arkansas Workers' Compensation Act.

In regard to the medical, the Arkansas Compensation Act provides that an employer shall promptly provide for an injured employee such medical treatment as may be reasonably necessary in connection with the injury received by the employee. A.C.A. 11-9-508(a). The employee has the burden of proving by a preponderance of the evidence that medical treatment is reasonably necessary. Stone v. Dollar General Stores, 91 Ark. App. 260, 209 S.W. 3d 445 (2005). 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). What constitutes reasonably necessary medical treatment is a question of fact for the Commission. Wright Contracting Co. v. Randall, 12 Ark. App. 358, 676 S.W.2d 750 (1984). Here the treatment by Springhill Urgent Care and the treatment by and recommended by Dr. Reynolds is determined to reasonably necessary medical treatment.

Here we have a Claimant who has worked through a previous left knee injury and testified that she was concerned with being off work in regard to the right knee injury. Her testimony is found to be convincing and believable, and she has satisfied the burden of proof that she suffered a compensable work-related injury to her right knee on August 23, 2024, and is entitled to future reasonable and necessary medical treatment for the right knee as determined by her treating physician and also the treatment already provided by Springhill Urgent Care and Dr. Reynolds.

The claimant and her attorney are entitled to the appropriate legal fees as spelled out in A.C.A. 11-9-715.

After weighing the evidence impartially, without giving the benefit of the doubt to either party, it is found that the claimant has satisfied her burden of proof by a preponderance of the credible evidence that her claim for her right knee injury is compensable and the treatment by Springhill Urgent Care and also the treatment by and recommended by Dr. Renolds is both reasonable and necessary. Additionally, she is also entitled to attorney fees as spelled by the Arkansas Workers' Compensation Act. This award shall bear interest at the legal rate pursuant to A.C.A. 11-9-809. If not already paid, the respondents are ordered to pay the cost of the transcript forthwith.

IT IS SO ORDERED.

JAMES D. KENNEDY
Administrative Law Judge