**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**
**WCC NO. H207895**

**CAROLYN JEAN MOSLEY, EMPLOYEE** **CLAIMANT**

**BEST BEVERAGE OF WEST MEMPHIS LLC, EMPLOYER** **RESPONDENT**

**AUTO OWNERS INS. CO., CARRIER** **RESPONDENT**

**OPINION FILED OCTOBER 11, 2023**

Hearing before Administrative Law Judge O. Milton Fine II on August 11, 2023, in Marion, Crittenden County, Arkansas.

Claimant *pro se*.

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

## STATEMENT OF THE CASE

On August 11, 2023, the above-captioned claim was heard in Marion, Arkansas. A prehearing conference took place on April 10, 2023. The Prehearing Order entered that 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

At the hearing, the parties discussed the stipulations set forth in Commission Exhibit 1. Following amendment 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 the alleged date of injury, October 25, 2022, and at all other relevant times.

3. Respondents have controverted this claim in its entirety.

4. Claimant's average weekly wage of $540.00[1] entitles her to compensation rates of $360.00/$270.00.

Issues

At the hearing, the parties discussed the issues set forth in "Commission Exhibit 1." The following were litigated:

1. Whether Claimant sustained a compensable injury to her left foot and left small toe by specific incident.

2. Whether Claimant sustained a compensable consequence in the form of cellulitis.

3. Whether Claimant is entitled to reasonable and necessary medical treatment.

4. Whether Claimant is entitled to temporary total disability benefits.

All other issues have been reserved.

Contentions

The respective contentions of the parties read as follows:

[1]It bears noting that this stipulation was reached by the parties at the outset of the hearing after Claimant rejected the offer of Respondents' counsel to stipulate to an average weekly wage of $580.00. Even after it was explained to her that it would be to her benefit to agree to the higher amount, she declined, stating that she (having already been sworn) was "supposed to tell the truth under oath . . . ."

Claimant:

1. Claimant contends that she suffered compensable injuries to her left foot and small toe and that she is entitled to benefits therefor.

Respondents:

1. This claim has been denied and controverted in its entirety.
2. Claimant did not sustain a compensable left foot/small left toe injury while employed by Respondent employer on or about October 25, 2021 [sic][2].
3. Claimant cannot meet her burden of proving her left foot/small left toe condition resulted from a specific incident on or about October 25, 2021 [sic].
4. Claimant failed to timely report the alleged incident on October 25, 2021 [sic].
5. Claimant is not entitled to any benefits, as her need for medical treatment, if any, is unrelated to her employment for Respondent employer. Instead, her physical problems and need for treatment, if any, are related to a pre-existing and/or degenerative condition and not the result of her work for Respondent employer.
6. In the alternative, if it is determined that the claimant sustained a compensable injury to her left foot and/or left small toe as the result of the incident on October 25, 2021 [sic], the respondents contend that she

[2]As reflected in Stipulation No. 2, *supra*, the alleged date of injury is on or about October 25, 2022.

merely sustained a temporary aggravation of her pre-existing condition for which she previously resumed her baseline condition.

7. In the alternative, if it is determined that the claimant sustained a compensable injury and is entitled to any benefits, the respondents hereby request a setoff for all benefits paid by her group health carrier, and all short and long-term disability and/or unemployment benefits received by her.

**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 the witnesses and to observe their 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 she sustained a compensable injury to her left foot by specific incident.
4. Claimant has not proven by a preponderance of the evidence that she sustained a compensable injury to her left small toe by specific incident.
5. Claimant has not proven by a preponderance of the evidence that she sustained a compensable consequence in the form of cellulitis.

6. Because of Findings of Fact/Conclusions of Law 3-5, *supra*, the remaining issues in this matter—whether Claimant is entitled to reasonable and necessary medical treatment of her alleged injuries and to temporary total disability benefits—are moot and will not be addressed.

## ADJUDICATION

Summary of Evidence

The witnesses[3] at the hearing were Claimant and Kendall Brawner.

Along with the Prehearing Order discussed above, the exhibits admitted into evidence were Claimant's Exhibit 1, a compilation of her medical records, consisting of 68 numbered pages; Respondents' Exhibit 1, another compilation of Claimant's medical records, consisting of one index page and nine numbered pages thereafter; and Respondents' Exhibit 2, non-medical records, consisting of one index page and five numbered pages thereafter.

A. Compensability

Introduction. Claimant has alleged that she suffered compensable injuries to her left foot and small toe as a result of a specific incident while working for Respondent Best Beverage of West Memphis LLC ("Best Beverage") on or about October 25, 2022. Respondents dispute that she suffered a compensable injury of any type.

[3]Claimant also sought to call Patricia Johnson as a witness. Because Claimant did not disclose Johnson as a potential witness to Respondents at least seven days before the hearing, per the Prehearing Order, I sustained their objection to her testifying. However, I allowed Claimant to proffer said testimony.

Evidence. Claimant is 59 years old and has obtained her graduate equivalency degree. When asked when she began working for Best Beverage, she responded: "[m]aybe in March . . . [o]f 2022, sir." The company distributes alcoholic beverages. Her job throughout her tenure there was in what she termed "rework." She described her duties as follows: "Rework is to repair damaged products that came in . . . I would get the products and clean them, the ones that's not damaged, and put them on the shelf where we pack stuff."

Asked how she injured her toe and foot, Claimant related:

> It was a damaged case of 25-ounce, you know, the tall cans of beer, sir, and it had been damaged, and the—the liquid on the containers of the products soaked to the bottom of the cardboard box. And I picked it up properly, and the rest of the cans that was filled broke through the bottom and fell through the bottom of the damaged, corroded box, you know, up under—it couldn't hold the weight of it when it—as long as it was on the floor it was fine, but when I picked it up, the remains of the product broke through.

According to Claimant, more than one full aluminum can struck her foot. At the time this occurred, she was wearing sneakers.

Claimant stated that October 25, 2022, was not the date when this happened. Instead, that was the date (as corroborated by the medical records in evidence—*see supra*) that her supervisor, Kendall Brawner, took her to the emergency room. It was her testimony that he witnessed the incident in question. He asked her if she was okay, and she told him, yes, "because it really wasn't nothing at that point." In any case, he did not write an injury report about it. Had he done so, according to her, the exact date

and time of her injury could be known. Claimant has no recollection concerning what time of day the cans struck her foot. The following exchange took place:

> Q. And all I'm simply asking you, and again, I'm not asking you if you looked at your watch right then and know the exact time, but do you remember even the time of day? Had you just started [at] work? Was it almost the end of the day?
>
> A. I would say the midway of the day, sir. Maybe after lunch or something like that.
>
> Q. Do you know that for a fact, or are you just guessing?
>
> A. No, sir, I don't know it for a fact, but I know it happened that day, you know. Just I know it—what happened, sir.
>
> Q. But you're testifying—
>
> A. But it's been a long time.
>
> Q. Well, you just now said you think it was midday. Do you know at all or are you just guessing?
>
> A. Well, you put me in a situation. I can't remember this, sir.
>
> Q. Okay. All right.
>
> A. And I'm being honest.

She was not much better in narrowing down the date, first stating that "[i]t had to be a few days or weeks before" the emergency room visit. When asked by me whether, for example, it occurred five days or perhaps three weeks prior to her first medical treatment, she initially seized on this and responded: "I would say in between—I would say five days. Five days or maybe less." But then she acknowledged: "I don't know." Returning to the matter, she testified that it would have been three to five days before the trip to the October 25, 2022, trip to the emergency room. When I informed her that I

could take judicial notice[4] that October 25, 2022, fell on Tuesday, and asked her if, based on her timeline, her foot and toe were hurt between Wednesday, October 19, 2022, and Friday, October 21, 2022, she believed that was correct.

Returning to the incident at issue, Claimant testified that when she removed her left shoe right after it occurred, all she saw was "a little bitty puncture . . . just like a little bruise" on her left small toe. She related that following this examination, she resumed her duties. Claimant worked the following day as well. It was her admission that Best Beverage has a policy that all injuries, no matter how small, should be reported immediately.

Questioned concerning what happened next, she stated that "probably a few days after this," her toe "started tingling, you know, and kind of throbbing like, sir, like it was—like it was on fire or something, you know, heat, and the worser [sic] I worked on it, the worser it got—to the point that I couldn't work anymore." It was at this point that she sought treatment. Later, she elaborated that the onset of her symptoms were two to three days before the emergency room visit. The day of the visit, per Claimant, she performed her regular duties at work until "it started really, really, to the point that I couldn't take it no more and I went to [Brawner]." He did online research concerning her foot condition and thereafter transported her to the emergency room. Claimant's testimony was that her medical records in evidence would reflect the treatment she received. After being seen in the emergency room, Claimant was referred to a physician in Memphis. He prescribed antibiotics.

[4] *See Buxton v. City of Nashville*, 132 Ark. 511, 201 S.W. 512 (1918).

The following exchange took place on cross-examination:

Q. It [the emergency room record] says that you had toe pain for over two weeks. Do you understand that, that that's what your medical records said?

A. Okay.

. . .

Q. And in that report it says that you denied hitting your foot or hitting your toe to cause any pain?

A. I do deny it, because I didn't hit my feet. It was something fell on my feet, sir.

. . .

Q. Ms. Mosley, I'm going to show you page 37 of your exhibit, which is from Baptist Hospital on October 25th of 2022.

A. Yes, sir.

Q. All right. Do you see this?

A. Uh-huh.

Q. Yeah. Is this your handwriting?

A. Yes, sir, it is.

Q. It is. Okay. I thought so. There is a question on here and it says, "Did you injure yourself at work?" And it's checkmarked, "No." That's your checkmark, correct?

A. Okay. But see—

Q. Is that your checkmark, Ms. Mosley?

A. That's my checkmark.

. . .

Q. You went to the hospital the following day at St. Francis, is that correct?

A. Yes, sir.

Q. All right. And then in that St. Francis report as well, that's page 1 of the Respondents' No. 1 exhibit, it says that, again, "Patient states pain had been occurring for approximately two weeks." Do you understand that's what your medical records report says?

A. Yes, sir.

Q. Okay. And then on page 4 of my exhibit it says, "Was the visit a result of an injury?" And it indicates "No." That's page 4 of my exhibit. Do you understand that that's the next day?

A. Uh-huh.

Q. Okay. You understand that, Ms. Mosley, that there's no medical record today that Judge Fine and the Commission are going to look at that shows any indication that you had any sort of injury at work. You understand that?

A. That don't mean it don't happen, sir. It happened.

Q. Do you understand that there's no—there is nothing in any of the reports that says you got hurt at work. You understand that?

A. Yeah, I understand, but I don't believe that.

Asked about references in the medical records to her having a bunion on the toe in question, Claimant admitted that she had this condition before the cans fell on her foot. But she hastened to add: "the incident caused it to be infected. I never had a problem with this, even if I did have a bunion or a corn, I never needed [to] go to the hospital. It never got infected. I swear, sir." She maintained that the cellulitis that she developed was the result of the falling cans.

Claimant initially denied having another pre-existing condition in her left small toe in the form of nail fungus. But shown that diagnosis in the records, she conceded this to be the case. She agreed that she underwent treatment on three dates, October 25 and 26, 2022; and November 3, 2022. Asked whether she had worn any footwear to work other than a sneaker following the alleged incident, Claimant answered in the negative, and specifically denied ever wearing a houseshoe.

Called by Respondents, Brawner testified that he is the Operations Manager for Respondent Best Beverage. At the time of the alleged incident, he was Warehouse Manager. In that latter capacity, he was Claimant's supervisor. He stated that Claimant's start date with the company was actually August 1, 2022, approximately five months later than that represented in her testimony. Also in contrast to her testimony, she did not begin there in the rework area. Per Brawner, she was hired to be an order-puller in the warehouse.

The following exchange took place:

Q. Now, Ms. Mosley testified that somewhere between October 19th and October 21st she had an incident in which she dropped some cans on her foot, do you recall that testimony?

A. Yes, sir.

Q. You were here when she testified?

A. Yes, sir.

Q. Did you see this happen?

A. No, sir.

Q. Did you speak with her after it happened?

A. No, sir.

Q. She had indicated that you had some something like, "Are you okay?" Did that ever happen?

A. No, sir.

Q. All right. Were you aware of any sort of work incident happening between October 17th and October 19th, during that period of time?

A. No, sir, not exactly, no.

Brawner confirmed that company policy is that all injuries on the job, no matter how insignificant, must be reported as soon as possible. Shown page 3 of Respondents' Exhibit 2, he confirmed that this is the policy, and that it had been provided to Claimant.

It was Brawner's testimony that he first became aware that something was wrong with Claimant's foot when he noticed that she had it wrapped in a grocery sack and was wearing a houseshoe on it. He inquired about it, since this was a violation of company policy, and was informed that her foot was bothering her. Approximately one week later, he took her to the emergency room at Baptist Hospital in Memphis.

Based upon his above answer of "not exactly," the following lengthy exchange took place under examination by the Commission:

Q. What were you aware of with regard to this lady's foot during the period of October 17 through 19th of last year?

A. So that is actually when we found her in the warehouse with the thing wrapped around her foot. That's when she had told me that a week or two prior to that she had dropped something on her foot.

Q. Okay.

A. And then after a week of—after, you know, we told her about that, she said that it was hurting. She then worked the rest of the week, that Monday, and then on that Tuesday she came in with her houseshoe on again and that's when I took her to the hospital.

. . .

Q. So around October 17th through 19th—

A. That was Wednesday.

Q. —she would have come in wearing a bag on her foot and a houseshoe.

A. Yes, sir.

Q. and that's when she said she had dropped something on her foot in the warehouse?

A. Yes, sir, a couple weeks prior to that.

Q. Well, you said several, but I thought you said earlier two weeks?

A. One or two yes, sir, something like that.

Q. Okay. Now, you've testified, if I'm understanding you correctly now, that this—would this conversation have happened somewhere between October 17th and 19th of last year?

A. Yes, sir.

Q. Okay. Now, did I understand in her testimony, which you were present for, and I think you've confirmed this today, that you took Ms. Mosley to the ER on October 25th?

A. Yes, sir.

Q. Which would have been the following week?

A. Yes, sir.

Q. Okay. What, if anything, happened between the time you were aware that she had a problem with her foot back sometime

between the 17th and 19th, when she—you testified she was wearing a bag on her foot inside a houseshoe? Between that time and the time you took her to the ER, what changed that led you to take her to the ER?

A. The fact that I looked on the internet about how long a bruise should be. Like I just looked up how long a bruise typically sticks, and is it any time that a bruise sticks around longer than two weeks, that there could be a serious underlying situation. And I told her that I felt like something might, you know, be wrong with your foot.

Q. Okay. Was it at your suggestion that y'all went to the ER or at her request?

A. My suggestion.

Q. All right. And did you feel like—were you aware at that time that she, and I think you've said this but I want to understand this, were you aware that whatever this bruise was, that it was due to something that she had dropped on her foot at the warehouse?

A. That's what she had claimed it was.

Q. All right. Did you all fill out workers' comp paperwork?

A. No, sir.

Q. Why not?

A. Because she said it was two weeks before whenever I had found her in the wrapped-up foot with the grocery bag. She said it was two weeks before—

Q. Okay.

A. —that something had happened to her.

Q. Did she tell you what happened to her foot?

A. She said she had dropped her case, yes, sir.

Q. Okay. Why did that not trigger you filling out workers' compensation paperwork?

A. I'm not sure.

Q. Because she gave you—

A. I guess because there wasn't a specific time and she didn't do it instantly.

Q. So it was based upon the fact that she couldn't—she had told you that she'd done something at work that injured her foot. Did you verify—did you ever look at her foot?

A. Not until the day I took her to the hospital.

Q. Okay. What did you see when you looked at the foot?

A. It was just bruised.

Q. Okay. Where was the bruise located?

A. It was all in her very small toe.

Q. On which foot?

A. Left foot.

Q. Left foot, okay. So based upon that, based upon you were able to observe an injury on her foot, based upon her relating to you that there actually was an incident at work that caused it, and she related to you that it happened, what, two weeks before, that did not lead you to fill out an incident report?

A. No, sir.

Q. And your testimony, if I understood it, you don't know why you didn't do it, based upon being given that knowledge? Is that your testimony?

A. I guess because it was—she didn't report it instantly, and so I took it upon myself just to watch after her.

Q. But you never filled out an incident report?

A. No, sir.

In follow-up questioning by Respondents, Brawner stated that Claimant did not inform him the time of the can-dropping incident happened or other details, such as the size of the cans. He confirmed that he has no medical training that would enable him to differentiate a bruise from another condition. All he could state was that her left small toe was darker than her surrounding pigmentation. But it was not swollen.

The medical records in evidence show that Claimant on October 25, 2022, presented to the emergency department of Baptist Memorial Hospital West Memphis with pain in her left small toe that she described as "swollen and becoming black." The pain had been present for two weeks. The history portion of the report also contains this notation: "Pt denies hitting it or hurting her toe to cause pain, but is also unsure and doesn't remember if she ever hit her toe." She also related that she was having "warmth . . . coming from her toe and spreading to the dorsal left foot." Examination of the left foot showed "[d]ecreased capillary refill . . . [s]welling and tenderness present." The examination notes also read: "There is TTP to left pinky toe. Left pinky toe is swollen and it is dark in color, cap refil[l] [greater than] 3. **No cuts, lesions or sores noted.**" (Emphasis added) Dr. Antonio Martinez wrote that per her x-ray, Claimant "probably has osteomyletis." She was prescribed antibiotics and referred for vascular surgery. However, she refused to be transported by ambulance and was discharged to transport herself.

The next day, October 26, 2022, Claimant went to Saint Francis Hospital in Memphis. Per the report of the visit, she told treating personnel that her left small toe had been hurting for approximately two weeks. An x-ray of the left foot showed "[s]oft tissue swelling, lateral foot, can be seen with soft tissue trauma, cellulitis." She was diagnosed by Dr. Dewight Cowley as having "cellulitis of toe of left foot" and prescribed, inter alia, antibiotics.

Claimant returned to Baptist Hospital on November 3, 2022, to get clearance to return to work. The record states in pertinent part:

> [Claimant] states that the toe is looking a lot better and all of her pain is gone. She states her color is coming back to the toe. Apparently the patient had a bunion on the top of the 5th digit that turned into cellulitis. The toenail is discolored and very thick, there is obvious fungus in the nail bed . . . There is no cellulitis noted in the foot the patient is taking clindamycin as prescribed [and] the toe has no swelling or edema or drainage noted.

Discussion. In order to prove the occurrence of an injury caused by a specific incident or incidents identifiable by time and place of occurrence, a claimant must show that: (1) an injury occurred that arose out of and in the course of her employment; (2) the injury caused internal or external harm to the body that required medical services or resulted in disability or death; (3) the injury is established by medical evidence supported by objective findings, which are those findings that cannot come under the voluntary control of the patient; and (4) the injury was caused by a specific incident and is identifiable by time and place of occurrence. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997). If a claimant fails to establish by a preponderance of the evidence any of the above elements, compensation must be

denied. *Id*. 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 (citing *Smith v. Magnet Cove Barium Corp*., 212 Ark. 491, 206 S.W.2d 442 (1947)).

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*. Based on my observation of Claimant, I find her to be a sincere person. This is perhaps best illustrated by her refusal to stipulate to a higher average weekly wage than she believed she earned. *See supra* Note 1. But a conscious effort at veracity is only part of a witness's credibility. Another component is the ability to recall times and details with accuracy.

It is on this point that Claimant falls short. With respect to the time of the alleged injury, she was wholly unable to narrow down what time of day the box of cans fell and struck her foot. As for the date, her testimony was wildly inconsistent. Eventually, she settled on an estimate that three to five days elapsed between the purported accident and her visit to the emergency room. But her medical records show that she represented that the pain in her toe that began two weeks prior.

Her testimony is questionable in other respects. In describing the wound she purportedly suffered when the cans landed on her foot, she stated that she sustained "a

little bitty puncture . . . ." However, the Baptist Memorial Hospital report discussed above disputes this: "No cuts, lesions or sores noted."

Even more problematic is the discrepancy between the testimony she gave at the hearing and what she apparently told emergency room personnel. While she related from the witness stand that she had picked up a damaged box containing 25-ounce cans of beer and the soaked box broke, causing multiple cans to hit her foot, she informed Baptist Memorial Hospital: "Pt denies hitting it or hurting her toe to cause pain, but is also unsure and doesn't remember if she ever hit her toe." Attempting to explain this at the hearing, Claimant testified that she made this statement to medical personnel because the cans hit her foot; she did not hit them. Frankly, this is a distinction without a difference. What matters is that at a point much, much closer to the alleged incident at Best Beverage, Claimant denied knowing the cause of the condition of her left small toe. This inconsistency arises again in the questionnaire she filled out at Baptist Memorial Hospital. There, she answered "no" when asked: "Did you injure yourself at work?"

Unquestionably, Claimant has objective findings. As documented in her records, she had, inter alia, swelling in her foot and toe. Furthermore, she required medical services to treat these body parts. But because of the discrepancies recounted above, I am unable to find that Claimant is a credible witness. The preponderance of the evidence does not show that her left toe and foot conditions arose out of and in the course of her employment in Best Beverage; nor does it show that they were caused by

a specific incident identifiable by time and place of occurrence. In sum, Claimant has not met her burden of proof that she suffered a compensable injury.

In making this finding, I wish to reiterate that Claimant by all appearances is a sincere individual. But any belief, no matter how sincere, is not a substitute for credible evidence. *Graham v. Jenkins Engineering*, 2004 AR Wrk. Comp. LEXIS 79, Claim No. F112391 (Full Commission Opinion filed March 12, 2004).

B. Compensable Consequence

Introduction. Claimant has also alleged that she sustained a compensable consequence in the form of cellulitis. Respondents have denied responsibility for this condition.

Discussion. If an injury is compensable, every natural consequence of that injury is likewise compensable. *Air Compressor Equip. Co. v. Sword*, 69 Ark. App. 162, 11 S.W.3d 1 (2000); *Hubley v. Best West. Governor's Inn*, 52 Ark. App. 226, 916 S.W.2d 143 (1996). The test is whether a causal connection between the two (2) episodes exists. *Sword*, *supra*; *Jeter v. McGinty Mech.*, 62 Ark. App. 53, 968 S.W.2d 645 (1998). The existence of a causal connection is a question of fact for the Commission. *Koster v. Custom Pak & Trissel*, 2009 Ark. App. 780, 2009 Ark. App. LEXIS 947. It is generally a matter of inference, and possibilities may play a proper and important role in establishing that relationship. *Osmose Wood Preserving v. Jones*, 40 Ark. App. 190, 843 S.W.2d 875 (1992). A finding of causation need not be expressed in terms of a reasonable medical certainty where supplemental evidence supports the causal

connection. *Koster, supra*; *Heptinstall v. Asplundh Tree Expert Co.*, 84 Ark. App. 215, 137 S.W.3d 421 (2003).

Claimant has not shown that she sustained a compensable injury either to her left foot or to her left small toe. Hence, she cannot prove that her cellulitis—which is documented in her medical records in evidence—is a compensable consequence thereof.

C. Remaining Issues

As part of her claim for initial benefits, Claimant has also alleged that she is entitled to treatment of her alleged injuries, and to temporary total disability benefits. But because she has not met her burden of proving that she sustained a compensable injury, these issues are moot and will not be addressed.

## CONCLUSION

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

**IT IS SO ORDERED.**

_____
Honorable O. Milton Fine II
Chief Administrative Law Judge