

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H002705

JESSICA L. SAGE, EMPLOYEE CLAIMANT

TRI-STATE ENTERPRISES, INC.,  
EMPLOYER RESPONDENT

TRAVELERS INSURANCE COMPANY,  
INSURANCE CARRIER/TPA RESPONDENT

OPINION FILED MAY 12, 2021

Upon review before the FULL COMMISSION in Little Rock, Pulaski County, Arkansas.

Claimant represented by the HONORABLE EDDIE H. WALKER, JR.,  
Attorney at Law, Fort Smith, Arkansas.

Respondents represented by the HONORABLE GUY ALTON WADE,  
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondents appeal an opinion and order of the Administrative Law Judge filed January 6, 2021. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The stipulations agreed to by the parties at a pre-hearing conference conducted on October 1, 2020 and contained in a pre-hearing order filed that same date are hereby accepted as fact.
2. Claimant has met her burden of proving by a preponderance of the evidence that she suffered a compensable injury to her left knee on April 17, 2020.

3. Claimant is entitled to payment of all reasonable and necessary medical treatment provided in connection with her compensable left knee injury. This includes surgery performed by Dr. Bolyard.
4. Claimant has proven by a preponderance of the evidence that she is entitled to temporary total disability benefits beginning April 18, 2020 and continuing through a date yet to be determined.
5. Claimant earned an average weekly wage of \$501.96. This would entitle her to benefits at the compensation rates of \$335.00 for total disability benefits and \$251.00 for permanent partial disability benefits.
6. Respondent has controverted claimant's entitlement to all unpaid indemnity benefits.

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's January 6, 2021 decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the decision of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the opinion as the decision of the Full Commission on appeal.

All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of the Administrative

Law Judge's decision in accordance with Ark. Code Ann. §11-9-809 (Repl. 2012).

For prevailing on this appeal before the Full Commission, claimant's attorney is entitled to fees for legal services in accordance with Ark. Code Ann. § 11-9-715(Repl. 2012). For prevailing on appeal to the Full Commission, the claimant's attorney is entitled to an additional fee of five hundred dollars (\$500), pursuant to Ark. Code Ann. §11-9-715(b)(Repl. 2012).

IT IS SO ORDERED.

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SCOTTY DALE DOUTHIT, Chairman

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M. SCOTT WILLHITE, Commissioner

Commissioner Palmer dissents.

DISSENTING OPINION

I must respectfully dissent from the majority opinion. After my *de novo* review of the record in this case, particularly the video, I find that Claimant has failed to prove that she sustained a compensable injury on April 17, 2020. The video shows Claimant stumble over a box, but she does not appear injured. She finished her shift without any issues and went home for the weekend. It was not until later in the weekend that she sought

treatment.

Moreover, it is clear from the record that Claimant has pre-existing conditions that necessitated the medical treatment for which she seeks compensation. Therefore, I find that Claimant is not entitled to all the medical treatment she seeks.

Accordingly, for the reasons set forth above, I must dissent from the majority opinion.

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CHRISTOPHER L. PALMER, Commissioner