

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. H406862**

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|----------------------------------------------|-------------------|
| <b>CODY STEVENS, EMPLOYEE</b>                | <b>CLAIMANT</b>   |
| <b>SNAP ON, INC., EMPLOYER</b>               | <b>RESPONDENT</b> |
| <b>XL SPECIALTY INS., CARRIER/TPA</b>        | <b>RESPONDENT</b> |
| <b>GALLAGHER BASSETT SERVICES, INC., TPA</b> | <b>RESPONDENT</b> |

**OPINION FILED FEBRUARY 11, 2026**

Hearing before Administrative Law Judge, Steven Porch, on January 13, 2026, in Little Rock, Pulaski County, Arkansas.

Claimant was represented by Mr. Gary Davis, Attorney at Law, Little Rock, Arkansas.

Respondents were represented by Mr. Jarrod Parrish, Attorney at Law, Little Rock, Arkansas.

**STATEMENT OF THE CASE**

A full hearing was held on this claim on January 13, 2026. A prehearing telephone conference took place on October 21, 2025. A prehearing order was entered on the same day, and subsequently entered into evidence as Commission Exhibit 1. 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 September 11, 2024, when Claimant allegedly sustained injuries to his left knee.
3. Respondents have controverted the claim in its entirety.

The parties have identified the following issues to be adjudicated:

1. Whether Claimant sustained a compensable injury<sup>1</sup> to his left knee as a result of a specific incident on September 11, 2024<sup>2</sup>.
2. Whether Claimant is entitled to reasonable and necessary medical treatment, mileage and benefits for his alleged injuries.

All other issues are reserved.

### **CONTENTIONS**

#### **Claimant contends:**

That he sustained compensable injuries to his left knee on September 11, 2024.

Medical expenses have been incurred, and further treatment is recommended. This claim is entirely controverted.

Claimant's attorney respectfully requests that any attorney's fee owed by Claimant on controverted benefits, paid by award or otherwise, be deducted from Claimant's benefits and paid directly to Claimant's attorney by separate check, and that any Commission Order direct the Respondents to make payment of attorney fees in this manner.

#### **Respondents contend:**

That the Claimant did not suffer a compensable injury on September 11, 2024.

Respondents contend that Claimant's need for medical treatment, if any, is related to pre-existing or underlying problems and not an acute injury. Respondents, lastly, contend that in the event compensability is found, the medical documentation does not support entitlement to indemnity benefits.

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<sup>1</sup> The original term was "injuries" and was amended to the term "injury" for clarity.

<sup>2</sup> Claimant made a motion at the full hearing to amend issue one's alleged injury date from September 11, 2024, to August 14, 2024. The motion was denied, and the denial reasons will be addressed in this opinion.

**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. Claimant's motion to amend Issue No. 1 is denied.
4. The Claimant has failed to prove by the preponderance of the evidence that he sustained a compensable left knee injury during the course and scope of employment by specific incident on September 11, 2024.
5. Based on my finding of no compensability, the remaining issue of reasonable and necessary medical treatment is moot and will not be addressed in this opinion.

**CASE IN CHIEF**

Preliminary Ruling

On January 6, 2026, I received an email with an attached letter from Claimant's counsel stating that the date of injury was not September 11, 2024, but August 14, 2024. *See* Mr. Davis's blue-backed January 6, 2026, email. Mr. Davis realized that the injury date was a mistake through a conversation with his client, Mr. Cody Stevens. *Id.* The Respondents objected to the change of the injury date, via email, on January 12, 2026. *See* Mr. Parrish's blue-backed email dated January 12, 2026. I made the parties aware that I would address this matter at the full hearing.

During the hearing, Claimant's counsel reiterated his position as to the date of injury actually being August 14, 2024, not September 11, 2024. He further argued that the medical records substantiate that the real date of injury was August 14, 2024. TR-5-6. Respondents objected to the

change of the injury date, arguing that it was unfair for Claimant to change the date one week before the hearing date. TR-7-8.

My review of the Commission's file show that a Form AR-N was filed on October 10, 2024, and signed by Claimant purporting the alleged date of injury to have been September 11, 2024. There is a Form AR-1 filed on October 18, 2024, that also shows the alleged injury date as being September 11, 2024. There is a Form AR-2 also filed on October 18, 2024, that states the alleged date of injury was September 11, 2024. There is a Form AR-C filed by Claimant's counsel on March 19, 2025, again purporting that the date of injury was September 11, 2024. Resp. Ex. 2, p. 7. There was also a sworn deposition, taken by Respondents' counsel, on June 12, 2025, where Claimant acknowledged that the date of injury was September 11, 2024. Resp. Ex. 2, pp. 4-6; TR-4, 13. Claimant's counsel next filed an amended Form AR-C on January 6, 2026, a week before the full hearing, purporting August 14, 2024, to have been the actual date of the alleged injury.

There has been fifteen (15) months that has passed developing the events that occurred on September 11, 2024, the purported injury date; nine (9) months had passed where Claimant's counsel was involved in the claim. As the Court of Appeals wrote in *Sapp v. Tyson Foods*, 2010 Ark. App. 517, 2010 Ark. App. LEXIS 549, "**elementary principles of fair play**" apply in Commission proceedings. As the Prehearing Order reflects, the parties had to disclose their witnesses, and exchange exhibits no later than seven days before the hearing. The last-minute change of the alleged injury date essentially hamstrung Respondents, preventing them from perhaps calling additional witnesses or offering exhibits to counter this new date. This scenario is a perfect illustration of the violation of "elementary principles of fair play." Thus, Claimant's motion to amend the allege injury date, this late in the proceedings, was thus denied from the bench. We now move to the full hearing.

Summary of Evidence

The record is made up of Claimant’s Exhibit 1, medical records, consisting of twenty-five (25) pages; Respondent’s Exhibit 1, medicals records, consisting of eight (8) pages; Respondents Exhibit 2, statements, pleadings, and video, consisting of nine (9) pages; Commission Exhibit 1, Pre-Hearing Order Filed October 21, 2025, consisting of five (5) pages total. I have blue-backed Form AR-1, Form AR-2, Mr. Davis January 6, 2026, email with attachments, and Mr. Parrish’s January 12, 2026, email with attachments.

The Claimant was employed as an assembler for the Respondent/Employer during the time of the alleged incident. The Claimant allegedly injured his left knee on September 11, 2024, while working on a tire changer or a cabinet; the submitted evidence is unclear. See Resp. Ex. 2, pp. 2-3. Claimant did not put on any testimonial evidence whatsoever. Instead, Claimant, through his counsel, stated that he had no evidence to prove that he sustained a compensable left knee injury on September 11, 2024. TR-6, 8-9, 12, 24-26. The Respondents likewise did not put on any testimonial evidence and rested. TR-25-26.

Adjudication

A. Whether Claimant sustained a compensable injury to his left leg by specific incident.

Under Arkansas Code Annotated § 11-9-102(4)(A)(i) (Repl. 2012), which I find applies to the analysis of Claimant’s alleged injuries, 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). An injury arises out of a claimant’s employment “when a causal connection between work conditions and the injury is apparent to the rational mind.” *Id.*

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).

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.*

Claimant has not proven by the preponderance of the evidence that he has sustained a compensable left knee injury that arose out of and in the course of his employment on September 11, 2024, by specific incident. The Claimant did not offer any testimony on how he was injured at work. Instead, Claimant’s counsel stated: “Claimant rest(s)…We’ve put on no evidence. We offer nothing<sup>3</sup>.” TR-12. This is consistent with Claimant’s counsels’ previous admission, during the

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<sup>3</sup> The transcript ends the following statement with a question mark “We offer nothing?” I believe this is a scrivener’s error and should have ended that sentence with a period.

portion of the hearing dealing with the motion to amend Issue No. 1,<sup>4</sup> that “there was no injury on September 11<sup>th</sup>.” TR-8. Thus, Claimant has not met his burden of proof on the compensability issue as set forth in the Prehearing Order. Therefore, his claim must fail. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997).

**REMAINING ISSUES**

Based on my previous finding of no compensability, the remaining issue regarding reasonable and necessary medical treatment is moot and will not be addressed in this opinion.

**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.**

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Hon. Steven Porch  
Administrative Law Judge

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<sup>4</sup> This injury date amendment hearing was held the same day as the full hearing.