BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. **H500958**

GENESIS TARACENA-LOPEZ, EMPLOYEE	CLAIMANT
MY HR PROFESSIONAL BENEFITS, EMPLOYER	RESPONDENT
CCMSI, CARRIER/TPA	RESPONDENT

OPINION FILED **MAY 14, 2026**

Hearing before ADMINISTRATIVE LAW JUDGE JOSEPH C. SELF in Fort Smith, Sebastian County, Arkansas.

Claimant represented by EDDIE H. WALKER, JR., Attorney, Fort Smith, Arkansas.

Respondents represented by JARROD S. PARRISH, Attorney, Little Rock, Arkansas.

STATEMENT OF THE CASE

On March 24, 2026, the above captioned claim came on for a hearing at Fort Smith, Arkansas. A pre-hearing conference was conducted on August 21, 2025, and a pre-hearing order was filed on August 22, 2025. A copy of the pre-hearing order has been marked as Commission's Exhibit #1 and made a part of the record without objection.

At the pre-hearing conference the parties agreed to the following stipulations:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. The employee/employer/carrier relationship existed on May 23, 2024.

By agreement of the parties, the issues to be litigated and resolved at the forthcoming hearing were limited to the following:

1. Whether claimant sustained a compensable injury on May 23, 2024.
2. If compensable, claimant's compensation rate.

3. If compensable, whether claimant is entitled to medical benefits.

All other issues are reserved by the parties.

The claimant contends that "As the result of a job-related fall on May 23, 2024, claimant sustained injury to multiple body parts including, but not necessarily limited to, her neck, both shoulders, back, and lower extremities. The claimant contends that her authorized treating physician is recommending surgery regarding her right shoulder and that the respondents are refusing to authorize said surgery although they initially accepted the injury as compensable and authorized considerable medical treatment prior to the point that surgery was recommended. The claimant contends that the respondents have now controverted any disability or medical compensation to which the claimant is or may become entitled."

The respondents contend that "Claimant did not suffer compensable injuries on or about May 23, 2024, as she was not performing employment related services at that time. Alternatively, respondents contend that the claimant's diagnosis is not associated with acute objective findings and, instead, is related to preexisting underlying and chronic issues for which respondents are not liable."

From a review of the entire record 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, the following findings of fact and conclusions of law are made in accordance with A.C.A. §11-9-704:

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. The stipulations agreed to by the parties at a pre-hearing conference conducted on August 21, 2025, and contained in a pre-hearing order filed on August 22, 2025, are hereby accepted as fact.

2. Claimant has failed to prove by a preponderance of the evidence that she suffered a compensable injury on May 23, 2024.

HEARING TESTIMONY

Claimant first called Sylvia Rosales as a witness. Ms. Rosales is claimant's mother, and she drives claimant to work each morning. On May 23, 2024, she drove claimant to work and watched her enter the building. Ms. Rosales drove away and realized that claimant had left her bag in the car. According to Ms. Rosales, she called her daughter and said "Gen, you forgot your lunch with your magnifier in the car. I am going to go around and then wait for me downstairs." When Ms. Rosales arrived back at claimant's place of employment, she saw claimant come out of the building crying and bleeding. Claimant told her mother that she had fallen down the stairs on the way back outside of the building.

Ms. Rosales was definite that she saw the magnifier that claimant uses in one side of the bag. Ms. Rosales believed that claimant used the magnifier when she was working from home.

On cross-examination, Ms. Rosales said that claimant uses the magnifier away from work, but did not know if the claimant needed the magnifier for the work she was going to do that day. She conceded that claimant had a lunch box that had her food in it and the magnifier stayed in the pocket of the lunch box.

Claimant then testified on her own behalf. Claimant agreed that her mother had called her to tell her that her bag with her lunch and magnifier was still in the car. As claimant went down the stairs to retrieve her bag, she fell down the stairs. She said that she had used the code to get into the building and gone up the stairs to her workstation when her mother called. She did not know why she fell but remembered trying to grab onto the rail but did not know what caused her to fall. She said she hurt her shoulder.[1]

[1] Claimant also mentioned an injury to her knee and foot, but this claim was limited to claimant's right shoulder.

While claimant was in the parking lot, her boss, Jonathan Lyon arrived and was told that claimant had fallen down the stairs. He went inside and came out with the first aid kit. Claimant reentered the building and worked that day but was then sent to a medical provider the next day. She continued to receive medical treatment for several months, including physical therapy until the claim was denied based on a records review from a physician that did not examine the claimant. She then went to see Dr. Greg Jones in June 2025, and had surgery on her right shoulder, which she attributed to injuries she sustained during the fall. Claimant testified that before the fall on May 23, 2024, she was not in need of any kind of medical treatment for her right shoulder.

On cross-examination, claimant conceded that her answer in the deposition regarding previous injuries, symptoms, problems, or conditions involving her cervical spine was not true, because she had been treated for such prior to May 23, 2024. Claimant explained that she told the doctor that treated her before this incident she had some pain, but denied it was due to an injury.

At the time of the injury, claimant worked as a benefits specialist for respondent My HR Professional Benefits. She had her own computer, desk, and cubicle. She occasionally had to get up from her desk to get mail or scan a document, but most of her work was done at the computer station. She was allowed to work from home at times but did not take work home with her. She explained that before her fall, she was the only person in the building and had not performed any job tasks yet at the time she fell down the steps.

Claimant said the magnifier was not something she had with her every day at work. While she had ADA accommodations for visual impairment, the magnifier was not part of those accommodations. Claimant did not know whether she used the magnifier for her work that day. She does use it in everyday life to read print that is too small for her to see without it; it is a personal item that she carries with her like a pair of glasses. There was then the following exchange:

> Question (By Mr. Parrish) You would agree with me that if this magnifier was not part of the story and it is not a work-related item that you are going to retrieve, there is nothing else you could point to as potential job task?
>
> Answer (Claimant) Correct.
>
> Q. Okay. You agreed with me, also, at the beginning of the claim, the information you provided to the insurance company and your supervisor as far as what you were doing was you were going to get your food, your lunch, out of the car; correct?
>
> A. Correct.
>
> Q. We have a portion of a statement you gave to the adjuster on page seventy-one of my exhibit two that says, " I was going downstairs because I left my food in the car." That is the information you provided at the beginning of the claim; right?
>
> A. Yes.

Claimant agreed that she did not mention the magnifier or the need for such when the matter was being investigated as a workers' compensation claim.

On redirect examination, claimant explained that she was born with congenital glaucoma and is considered legally blind. She worked from home two days a week with three days in the office. She stated she used the magnifier for work, "To read stuff clearer". She said that she needed the magnifier to perform her job and that she used it on a regular basis to do her job more efficiently. Claimant testified that it was a benefit to her employer for her to have the magnifier with her in the office.

Claimant rested and respondent called Jonathan Lyon, who is the benefits director at My HR Professional benefits. He was claimant's direct supervisor when she worked with the company. He recalled seeing her in the parking lot after her fall and helped her get her belongings and her purse into the building after the accident. He said that claimant did not say anything to him about retrieving the magnifier, but rather she had gone down the stairs to retrieve her lunch.

Mr. Lyon testified that claimant was provided with a desk magnifier as part of ADA

accommodation. He described it as a standing tool that she could use, when and if she needed to review any paper documents, it was available to her at her desk. She was also provided with an oversized monitor with a very large grain so she could zoom in to read what was on the screen. The magnifier on her desk was suitable for looking at checks or any other paperwork that needed to be magnified. It was his opinion that the handheld magnifier would not do anything that the one provided to her could do.

On cross-examination Mr. Lyon agreed that claimant needed a magnifier of some type in order to perform her job. He did not see the magnifier in her lunch bag but did not search her personal property or have any reason to wonder about whether she had a magnifier in her bag. Mr. Lyon said the magnifier provided at work was not one that could be easily transported and was meant to stay at the office. He did not believe claimant would need a magnifier in order to do her work at home because the work comes through electronically, meaning there would be no paper products on which to utilize a magnifier. Claimant's work at home involved PDF files on which she could enlarge; he did not believe she would need a magnifier while working at home. Her work done away for the office involved working on enrollments and assisting with disability claims, all of which were done electronically. She also did work with disability claims and reviewing employer responses on claims for short-term disability. Mr. Lyon agreed that claimant did a lot of reading in her role with My HR Professional Benefits. While Mr. Lyon did not know if she has an oversized computer screen at home, he did know that the days she was working from home, her work was getting done. From that, he concluded she had adequate equipment at home to be able to perform her job.

REVIEW OF THE EXHIBITS

Claimant's Exhibit #1 is 79 pages of medical records; Exhibit #2 is the incident report made Southern Personnel Management and two email exchanges regarding claimant's case; Exhibit #3 is a photograph of a magnifier and a zoomer; Exhibit #4 are wage records. Respondents Exhibit #1 was 57 pages of medical records; Exhibit #2 is 86 pages of non-medical records, including the 74-page employee handbook and forms submitted to the Workers' Compensation Commission.

Claimant proffered the deposition of Dr. Gregory Jones, which was taken on March 13, 2026, at respondents' request. Because claimant had not listed this as a potential exhibit, respondent objected to its introduction. Claimant argued that it was already in respondents' possession, the seven-day rule regarding identifying exhibits did not apply. While I believe the better practice would have been for claimant to have specifically alerted respondents that she intended to introduce the deposition, respondents candidly admitted there was no prejudice other than the deposition was detrimental to its defense. I am going to exercise my discretion pursuant to A.C.A. §11-9-705(c)(3) and admit the deposition over respondents' objection, as the contents of the deposition were well known to respondent.

As the threshold issue in this matter is whether claimant was engaged in employment related services at the time of her injury, an exhaustive review of these exhibits is unnecessary. The medical records contain ample objective proof of an injury to claimant's right shoulder. Any exhibits relevant to the adjudication of this matter will be discussed in that section of the opinion.

ADJUDICATION

In order to prove a compensable injury as the result of a specific incident that is identifiable by time and place of occurrence, a claimant must establish by a preponderance of the evidence (1) an

injury arising out of and in the course of employment; (2) 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 establishing an injury; and (4) the injury was caused by a specific incident identifiable by time and place of occurrence. *Odd Jobs and More v. Reid*, 2011 Ark. App. 450, 384 S.W. 3d 630. The proof was sufficient to establish claimant identified a specific incident that caused an injury to her body which was established by objective medical findings. She was a credible witness to the fall down the stairs at work, and her supervisor did not question that the accident had occurred as he was getting to work.

Thus, the threshold issue in this case is whether claimant was performing employment related services at the time she fell down the stairs at work. Ark. Code Ann. § 11-9-102(4) provides, in pertinent part:

> (B) "Compensable injury" does not include:
> (iii) Injury which was inflicted upon the employee at a time when employment services were not being performed…

An employee is performing employment services when he is doing something that is generally required by his employer. *Dairy Farmers of America v. Coker*, 98 Ark. App. 400, 255 S.W.3d 905. The Arkansas Supreme Court uses the same test to determine whether an employee is performing employment services as it does when determining whether an employee is acting within the course and scope of employment. *Pifer v. Single Source Transp.*, 347 Ark. 851, 69 S.W.3d 1 (2002). The test is whether the injury occurred within the time and space boundaries of the employment, when the employee was carrying out the employer's purpose directly or indirectly. *Id.*

The events of May 23, 2024, are not in dispute. Claimant is legally blind. Her mother drove her to work that morning; claimant entered her place of employment and went up a flight of stairs to

her work area when her mother called to tell her that she left her bag in the car.[2] Claimant left her work area to retrieve the bag and somehow fell down the stairs as she did so. Mr. Lyon, claimant's direct supervisor, arrived after claimant fell and assisted her back into the building. Mr. Lyon recalled claimant said her purpose of going to the parking lot was to get her lunch. Claimant's statement as recorded by respondents' claims adjuster was "I had just gotten to work; I was going downstairs because I had left my food in the car and fell. I want to say I was clocked in already." (R. Ex #2, page 77)

Having reviewed all the evidence, I find claimant failed to establish she was engaged in services required by her employer when she was returning to her mother's vehicle to retrieve a bag containing her lunch and a magnifier. The equipment respondent My HR Employment Benefits provided to claimant due to her vision disability would have permitted claimant to do her work that day without her personal magnifier; she testified that she did not know whether she used it on the day of the injury, which shows it was not a necessity for carrying out her work tasks. I believe the preponderance of the evidence supports the conclusion that claimant went downstairs to get her bag because her lunch was in it, and that activity was not carrying out her employer's purpose at the time she fell down the flight of stairs.

As I found claimant did not prove she suffered a compensable injury, her claim for medical treatment for her right shoulder is moot.

ORDER

For the reasons set out above, claimant has failed to meet her burden of proving by a preponderance of the evidence that she suffered a compensable injury on May 23, 2024. Therefore,

[2] Claimant's mother testified that she specifically mentioned the magnifier was in the bag. While I'm a bit dubious that was what was said, it is ultimately irrelevant because telling claimant she forgot her bag would have been sufficient to alert claimant that the magnifier she carried in it was also in the car with her lunch.

her claim for compensation benefits is hereby denied and dismissed.

Respondent is responsible for paying the court reporter her charges of $ 750.00 for preparation of the hearing transcript.

IT IS SO ORDERED.

JOSEPH C. SELF
ADMINISTRATIVE LAW JUDGE