BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H205207

STANLEY WILDER,
EMPLOYEE **CLAIMANT**

PULASKI CO. JUVENILE DETENTION CTR.,
EMPLOYER **RESPONDENT**

ASS'N. OF ARK. COUNTIES WORKERS' COMP. TRUST/
AAC RISK MGMT.SERVICES INC.,
CARRIER/TPA **RESPONDENT**

OPINION FILED AUGUST 31, 2026

Hearing conducted before the Arkansas Workers' Compensation Commission (the Commission), Administrative Law Judge (ALJ) Mike Pickens on June 2, 2026, in Little Rock, Pulaski County, Arkansas.

The claimant was represented by the Honorable Gary Davis, Gary Davis Law Firm, Little Rock, Pulaski County, Arkansas.

The respondents were represented by the Honorable Melissa Wood, Worley, Wood & Parrish, P.A., Little Rock, Pulaski County, Arkansas.

INTRODUCTION

In the prehearing order filed March 26, 2026, the parties agreed to the following stipulations, which they affirmed on the record at the hearing:

1. The Arkansas Workers' Compensation Commission (the Commission) has jurisdiction over this claim.

2. The employer/employee/carrier-TPA relationship existed at all relevant times including July 12, 2022, the date the claimant sustained an admittedly "compensable injury" to his right knee.

3. The claimant's average weekly wage (AWW) was $897.40, which corresponds to weekly indemnity rates of $598.00 for temporary total disability (TTD), and $449.00 for permanent partial disability (PPD) benefits.

4. The claimant's treating physician opined he reached maximum medical improvement (MMI) as of April 9, 2024, at which time he assigned the claimant a 37% permanent anatomical impairment rating to his right lower extremity (which the respondents accepted and have paid in full) and released the claimant to full duty work.

5. The respondents controvert this claim in its entirety.

6. The parties specifically reserve any and all other issues for future determination and/or litigation.

(Commission Exhibit 1 at 2; Reporter's Hearing Transcript at 5). Pursuant to the parties' mutual agreement the issues litigated at the hearing were:

1. Whether the claimant can meet his burden of proof in demonstrating he is permanently and totally disabled (PTD) within the meaning of the Arkansas Workers' Compensation Act (the Act) as a result of his July 12, 2022, compensable right knee injury.

2. Whether and to what extent, if any, the claimant's attorney is entitled to a controverted fee based on these facts.

(Comms'n Ex. 1 2; T. 5).

The claimant contends he sustained an admittedly compensable injury to his right knee on July 12, 2022. He contends this right knee injury has rendered him PTD, and that his attorney is entitled to the maximum statutory attorney's fee on the controverted indemnity benefits. (Comms'n Ex. 1 at 3; T. 5; 67-69).

The respondents contend the claimant cannot meet his burden of proof pursuant to the Act in demonstrating his compensable scheduled right knee injury of July 12, 2022, has rendered him PTD as there exists no evidence the claimant is PTD. (Comms'n Ex. 1 at 3; T. 5; 69-70).

STATEMENT OF THE CASE

The claimant, Mr. Stanley Wilder (the claimant) was 62 years old at the time of the subject hearing and 58 at the time of his compensable right knee injury of July 12, 2022. He is a 1982 graduate of McClellan High School in Little Rock. After he graduated from high school the claimant enlisted in the United States Marine Corps (the Corps) from which he was released in October 1989. After he was released from the Corps the claimant worked in the car business for some 29 years with various dealerships, primarily Honda and Acura, and for Russell Chevrolet, primarily in sales. (T. 9-10; 13-14; Claimant's Exhibit 1 at 92).

On July 12, 2022, the date of his admittedly compensable right knee injury, the claimant was working as a detention guard with the Pulaski County Juvenile Detention Center (the juvenile detention center). He injured his right knee when he fell on the concrete floor of one of the classrooms as he was wrestling with a juvenile offender who had caused a disruption. The claimant testified that when he decided for personal reasons to leave his career in the car business to become a detention guard at the juvenile detention center, he lost approximately 50% or more of his income. He explained in essence that because of some events that had happened in his personal life he "wanted a job where I was takin' care of the kids." (T. 18; 10-11; 14-17; 34-36).

After his compensable right knee injury of July 12, 2022, the claimant first underwent conservative medical treatment with Dr. Joel Smith that eventually culminated in orthopedic surgeon Dr. Eric Gordon performing a total right knee replacement/arthroplasty on May 25, 2023, in an apparent attempt to alleviate the claimant's pain related to "right tricompartmental osteoarthritis." (CX1 at 38-41; 1-37; T. 18). [Note: The claimant apparently had undergone an

arthroscopic procedure on his right knee as far back as April 1, 2001. (*See,* CX1 at 90, under the heading "Surgical History").]. The claimant returned to work and Dr. Gordon continued follow-up evaluation and treatment as needed after the May 2023 total right knee arthroplasty. (T. 19-23; CX1 at 41-66).

On February 1, 2024, Dr. Gordon performed a revision of the claimant's total right knee replacement. His operative report of this date states:

> The patient is a 59-year-old gentlemen who previously underwent a right knee arthroplasty. He recovered appropriately and he was doing well initially and returned to work walking several miles a day. He went on a trip to Las Vegas and was doing a lot of stair climbing when he noticed a sharp increase in right knee pain and swelling. Upon returning here x-rays suggested a disassociation of his polyethylene component from his tibial tray. Given this operative intervention was recommended as noted above.

(CX1 at 67; 67-68). Dr. Gordon continued to perform follow-up evaluation and treatment of the claimant for a period of time after February 2024 right knee revision surgery. While the claimant reported no instability problems with his right knee during this period of time, he did continue to experience what he described as significant pain in his right knee. (CX1 at 69-91).

As the parties stipulated in the March 26, 2026, prehearing order, Dr. Gordon opined the claimant reached MMI for his July 12, 2022, right knee arthroplasty as of April 9, 2024, at which time he assigned the claimant a 37% permanent anatomical impairment rating to his right lower extremity (which the respondents have paid in full) and released him to full duty work at the juvenile detention center. (Stipulation 4, *supra*; Respondents' Exhibit 1 at 4; 1-4). Thereafter the claimant did in fact return to work and continued to work until he voluntarily retired from the juvenile detention center a few days after his 62nd birthday [which was March 22, 2026]. (T. 38-

39). The claimant testified he told Dr. Gordon the juvenile detention center would not allow him to return to work unless he had a full duty release with no physical restrictions. (T. 28). Dr. Gordon also released the claimant to full duty without restrictions in a clinic note dated September 17, 2024. (RX1 at 5-7). Also, Physician's Assistant (PA) Camryn Pierce of OrthoArkansas provided the claimant another full duty release without restrictions in a clinic note dated November 18, 2025. (RX1 at 8-11).

On November 6, 2024, the claimant presented himself to Dr. Gordon for evaluation of nonwork-related left knee pain "that began on 3/22/1964 [sic]". (CX1 at 90) (Bracketed material added). [Note: Dr. Gordon presumably meant the claimant's left knee pain began on "3/33/2024".]. As he had done concerning the claimant's right knee pain, Dr. Gordon attributed the claimant's left knee pain as being "likely secondary to advanced osteoarthritis mainly affecting the medial compartment." (CX1 at 91, under the heading "ASSESSMENT"). The claimant continued to treat with Dr. Gordon until, on November 11, 2024, Dr. Gordon performed a left total knee arthroplasty/replacement on him. (CX1 at 91-112). In a clinic note related to the claimant's left knee arthroplasty follow-up, Dr. Gordon wrote the claimant told him that he was "considering alternative employment options." (CX1 at 112).

The claimant testified that although his juvenile detention center supervisor accommodated him as much as possible, his continued right knee pain after "the last surgery" [presumably, his nonwork-related left total knee replacement of November 11, 2024] prevented him from performing his job duties in a manner he believed was up to standards and safe for his co-workers and himself. (T. 24-26).

The respondents' called as a witness the claimant's juvenile detention center supervisor and a watch commander, Mr. Mitchell Hicks. Mr. Hicks confirmed he had accommodated the claimant as much as possible. He also said that before the claimant retired he could see the claimant was hurting and did not believe he was going to be able to continue working for very long. Mr. Hicks said the claimant was a "good worker" who would do anything asked of him. He said he was aware the claimant had problems with both his right and his left knees. He said the claimant was not about to get fired from his job, but if the claimant had not retired he did not believe he would have been able to work much longer because of his knee pain. (T. 56-22).

Finally, the claimant testified he retired at 62 years of age when he had intended to work until he was 65, 66, or "maybe even 67 years" old; and that he was still experiencing knee pain that limited his daily life activities after he retired for which he took Tramadol as needed. He testified he mows his yard but it may sometimes take him three (3) days to do so, and that he has good days and bad days as far as his knee pain is concerned. (T. 24-34).

On cross-examination the claimant was asked and provided additional details concerning his job history following his release from the Corps. When asked he admitted he had attended some school and "took a lot of classes" while he was working in the car business that included selling, business management, payroll, taxes and hiring. He also admitted he had done quite well financially during his 29 years in the car business. Once again, he went on to explain he had lost "a little more than 50%" of his income when he left the car business to take the juvenile detention center job and said had told the person who interviewed him for this job that he was "very good with money." (T. 34-35).

The claimant testified further his monthly income included $2,300 in social security benefits, and his retirement from the juvenile detention center job which was a little less than $600. He also testified earlier he has a 401(k) from his years in the car business. (T. 36-38). The claimant admitted he had worked for some two (2) years after Dr. Gordon released him in April of 2024, as he worked from the time Dr. Gordon released him until March of 2026. (T. 54).

Finally, in response to the respondents' attorney's question as to whether the claimant had turned down the opportunity to be a supervisor or watch commander with Pulaski County, he explained this job was "never officially" offered to him. But he also agreed that he had made it clear that was not a job he was interested in: "I did not want that. That's not what I took this job for." (T. 45; 44-45).

The ALJ asked the claimant some clarifying questions relating to his testimony on both direct and cross-examination. The claimant explained Pulaski County had tried to find him another job and that he had in fact applied and interviewed for it but was "not qualified" because it was an "accounting" job. Upon further inquiry the claimant admitted the job did not require any specialized knowledge or degree related to accounting and that it was an accounts receivable job; that he had worked with finance and accounting when he was in the car business; and that the accounts receivable job was going to pay $11,000 less than his job at the juvenile detention center. He further admitted he had not applied for any other jobs, alleging that if he "went to another company outside of Pulaski County, I would lose all my retirement." (T. 46-50). When the ALJ directly asked him if there were any other jobs he believed he could perform, the claimant replied:

THE WITNESS: There probably is something. There probably is some other desk

jobs somewhere out there I could probably get.

(T. 50). The claimant went on to admit these type jobs were "not what I wanted to do", and he expressed concerns that any such jobs would be "too painful" if they involved sitting for too long or walking around. (T. 50).

DISCUSSION

Burden of Proof

When deciding any issue, the ALJ and the Commission shall determine, on the basis of the record as a whole, whether the party having the burden of proof on the issue has established it by a preponderance of the evidence. ***Ark. Code Ann***. § 11-9-704(c)(2) (2025 Lexis Replacement); ***Ark. Code Ann.*** § 11-9-705(a)(3). The claimant has the burden of proving by a preponderance of the evidence he is entitled to benefits. This standard 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)); *Stone v. Patel,* 26 Ark. App. 54, 759 S.W.2d 579 (Ark. App. 1998).

Ark. Code Ann. Section 11-9-704(c)(3) (2025 Lexis Repl.) requires that the ALJ, the Commission, and the courts "shall strictly construe" the Act, which also requires them to read and construe the Act in its entirety, and to harmonize its provisions when necessary. *Farmers Coop. v. Biles,* 77 Ark. App. 1, 69 S.W.2d 899 (Ark. App. 2002). In determining whether the claimant has met his burden of proof, the Commission is required to weigh the evidence impartially without giving the benefit of the doubt to either party**. *Ark. Code Ann***. § 11-9-704(c)(4) (2025 Lexis Repl.); *Gencorp Polymer Products v. Landers,* 36 Ark. App. 190, 820 S.W.2d 475 (Ark. App. 1991);

Fowler v. McHenry, 22 Ark. App. 196, 737 S.W.2d 633 (Ark. App. 1987).

All claims for workers' compensation benefits must be based on proof. Speculation and conjecture, even if plausible, cannot take the place of proof. *Ark. Dep't of Corrections v. Glover,* 35 Ark. App. 32, 812 S.W.2d 692 (Ark. App. 1991); *Deana Constr. Co. v. Herndon*, 264 Ark. 791, 595 S.W.2d 155 (1979). It is the Commission's exclusive responsibility to determine the credibility of the witnesses and the weight to give their testimony. *Whaley v. Hardees***,** 51 Ark. App. 116, 912 S.W.2d 14 (Ark. App. 1995). The Commission is not required to believe either a claimant's or any other witness's testimony but may accept and translate into findings of fact those portions of the testimony it deems believable. *McClain v. Texaco, Inc*., 29 Ark. App. 218, 780 S.W.2d 34 (Ark. App. 1989); *Farmers Coop. v. Biles, supra*.

The Commission has the duty to weigh the medical evidence just as it does any other evidence, and its resolution of the medical evidence has the force and effect of a jury verdict. *Williams v. Pro Staff Temps***.**, 336 Ark. 510, 988 S.W.2d 1 (1999). It is within the Commission's province to weigh the totality of the medical evidence and to determine what evidence is most credible given the totality of the credible evidence of record. *Minnesota Mining & Mfg'ing v. Baker*, 337 Ark. 94, 989 S.W.2d 151 (1999). Medical opinions must be stated within a reasonable degree of medical certainty. *Smith-Blair, Inc., v. Jones*, 77 Ark. App. 273, 72 S.W.3d 560 (Ark. App. 2002).

Permanent Total Disability (PTD) and Scheduled Injuries

Ark. Code Ann. § 11-9-519(e) (2025 Lexis Repl.) defines PTD as:

> (1) "Permanent total disability" means inability because of compensable injury or occupational disease, to

> earn *any meaningful wages in the same or other employment.*
>
> (2) The burden of proof shall be on the employee to prove inability to earn any meaningful wage in the same or other employment.

(Bracketed material added). Absent a finding he is permanently and totally disabled (PTD), a claimant who has sustained a scheduled injury – in this case a knee injury – is *not* entitled to PTD benefits but instead is limited to the benefits set forth in ***Ark. Code Ann***. Section 11-9-521. (2025 Lexis Repl.); *Kirkendolph v. Dep't of Finance & Admin*., 2010 Ark. App. 786 (Ark. App. 786*); Carruth v. Ark. Dep't of Corrections*, 2013 Ark. App. 321 (Ark. App. 2013); *Moser v. Ark. Lime Co.*, 40 Ark. App. 113, 846 S.W.2d 188 (Ark. App. 1993).

Whether any particular claimant is PTD "shall be determined in accordance with the facts." ***Ark. Code Ann.*** § 11-5-519(c) (2025 Lexis Repl.). "In considering a claim for permanent disability the commission and the courts shall not consider the odd-lot doctrine." ***Ark. Code Ann.*** § 11-5-519(f) (2025 Lexis Repl.); and *see, American Eagle Airlines v. Donald Berndt,* 2012 Ark. App. App. 220 (Ark. App. 2012), citing *Patterson v. Ark. Dep't of Health,* 70 Ark. App. 182, 15 S.W.3d 701 (Ark. App. 2000).

Factors relevant to the Commission's determination as to whether a claimant is unable to obtain gainful employment and earn any meaningful wages include the medical evidence such as evidence demonstrating the degree to which the claimant's physical anatomical impairment adversely affects his earning capacity, as well as other factors such as the worker's age, education, work experience, and other matters which may reasonably be expected to affect his future earning

ability. *See,* ***Ark. Code Ann.*** Section 11-9-522(b)(1) and (2) (the latter provision concerning the situation when an employee has returned to work, obtained other employment, or has received a bona fide offer of employment, etc.); and *Kirkendolph and Carruth, supra*. Such other factors may also include, but are not limited to: motivation, post-injury income, credibility, and demeanor. *Ark. Methodist Hospital v. Adams,* 43 Ark. App. 1, 858 S.W.2d 125 (Ark. App. 1993); *Glass v. Edens,* 233 Ark. 786, 346 S.W.2d 685 (1961); *City of Fayetteville v. Guess,* 10 Ark. App 313, 663 S.W.2d 946 (Ark. App. 1984); *Curry v. Franklin Electric,* 32 Ark. App. 168, 798 S.W.2d 130 (Ark. App. 1990).

Finally, in in determining wage loss disability, including PTD, the Commission may use its own superior knowledge of industrial demands, limitations, and requirements in conjunction with the relevant evidence to determine whether a claimant is entitled to wage loss disability. *Henson v. General Electric,* 99 Ark. App. 257, 257 S.W.3d 908 (Ark. App. 2007). A claimant's lack of interest in pursuing employment with his employer, and negative attitude in looking for work are impediments to the Commission's ability to assess wage loss disability. *Logan County v. McDonald,* 90 Ark. App. 409, 206 S.W.3d 258 (Ark. App. 2005).

Of course, in this case the issue is *not* whether the claimant is capable of returning to his former job at the juvenile detention center. *The issue is whether he is capable to returning to any form of gainful employment*. As the applicable law, *supra*, makes abundantly clear, PTD benefits are intended to compensate an employee who is totally incapable of returning to any form of gainful employment and earn a meaningful wage. PTD benefits are not intended to act as supplemental retirement benefits and that is one of the reasons, as the case law clearly

demonstrates, they are difficult to prove where a scheduled injury is involved. *See, e.g., Kirkendolph and Carruth, supra*. Consequently, based on the applicable law as applied to the facts of this case I am compelled to find the claimant has failed to meet his burden of proof in demonstrating he is PTD within the meaning of the Act and applicable case law as a result of his compensable right knee injury of July 12, 2022, for the following reasons.

First, I must state from the outset I found the claimant to be likeable, intelligent, articulate, pleasant, talkative, affable, and even clever. I also found him to be a claimant who clearly has little or no motivation to attempt to find another job, much less to be motivated to return to any gainful employment. Of course, these facts in and of themselves are an impediment to the Commission's assessing wage loss disability. *See, Henson, supra*. This legal principle is especially true and applicable in the case of a scheduled injury.

When questioned concerning other jobs for which he may be qualified and physically capable of performing, the claimant had an excuse – or perhaps more accurately stated, a rationalization – as to why he could not perform them, or *did not want* to even attempt to perform them. How does the claimant know he cannot find a job for which he is qualified and physically capable of performing if he makes little or no effort to find one? The totality of all the medical and other evidence in this case makes it abundantly clear that to find the claimant PTD on these facts would constitute sheer speculation and conjecture, which does not constitute the required proof and is, therefore, improper and unfair.

Moreover, when his rationalizations were questioned, the claimant would simply point to his own subjective and obviously self-serving complaints of pain in support of his specious contention

he is PTD as a result of his July 12, 2022, right knee injury. Still, when asked directly concerning whether he believed there were available jobs he could perform, the claimant himself admitted: "*There probably is something. There probably is some other desk jobs somewhere out there I could probably get.*" (T. 50). With this simple admission the claimant answered his own question concerning whether he is PTD based on these facts.

Second, the overwhelming preponderance of the medical evidence does not support the claimant's contention he is PTD within the meaning of the Act and the applicable case law. Significantly – especially based on the facts of this case – it is important and revealing to note that no physician – *neither of his orthopedic surgeons, Dr. Smith or Dr. Gordon, nor any other physician – has opined the claimant is PTD as a result of his July 12, 2022, right knee injury*. In fact, quite to the contrary Dr. Gordon, the claimant's primary treating and operating orthopedic surgeon, assigned him a 37% permanent anatomical impairment rating to his right lower extremity and released him to full duty work with no restrictions at the juvenile detention center on not just one (1), but two (2) separate occasions. The claimant conveniently and, again, self-servingly testified Dr. Gordon only released him to full duty with no restrictions because the juvenile detention center would not allow him to return to work if he had any physical restrictions or limitations; however, this notion is without merit.

Of course, a physician has both a professional and ethical duty *not* to release a patient to return to work if there is a likelihood the patient would be a danger to himself or others. Certainly Dr. Gordon would not have released the claimant to return to full duty, unrestricted work as a detention guard at a juvenile detention facility if he in fact truly believed the claimant was

physically incapable of performing his job duties in a safe manner. Indeed, again, Dr. Gordon released the claimant to return to full duty, unrestricted work on not just one (1) but two (2) separate occasions, the second being on September 17, 2024. Also, the OrthoArkansas PA, Camryn Pierce, released the claimant to full duty work with no restrictions in her clinic note of November 18, 2025.

The claimant was able to work for some two (2) years after his compensable right knee injury and surgery. He was able to go on a nonwork-related trip to Las Vegas which resulted in a significant increase in his pain and a second surgery on February 1, 2024 – almost two (2) years after his compensable right knee injury of July 2022 – to revise his original, work-related right knee arthroplasty. (CX1 at 67; 67-68).

The medical evidence reveals that in early November 2024 the claimant began experiencing left knee pain, apparently in the latter part of March 2024. (CX1 at 90). Interestingly and significantly, it was not until after the claimant underwent the November 2024 nonwork-related left knee arthroplasty/knee replacement that he made the voluntary decision to retire soon after his 62nd birthday in the Spring of 2026. Consequently, one may draw the reasonable inference that *but-for* the fact the claimant underwent the nonwork-related November 2024 left knee replacement (CX1 at 94) he may very well still be working at the juvenile detention center. At the very least, the evidence reveals or infers the claimant was able to work after his work-related right knee replacement in May of 2023 and the February 2024 revision surgery but had increased pain and difficulty in performing his subject job duties after the November 2024 nonwork-related left knee replacement. In summary, the medical evidence simply does not support the claimant's contention

he is PTD as a result of his July 12, 2022, compensable right knee injury.

Third, the claimant obviously is intelligent, articulate, talkative, pleasant and affable. He has a high school education plus some additional advanced education and training in selling, business management, payroll, taxes and hiring. He admitted he had learned and used these skills when he was in the car business and that he had done well financially. Certainly the knowledge and experience he gained over the course of his 29-year career in the car business provides him a myriad of transferable job skills. The claimant himself admitted this fact when he said, "There is probably something" in the way of a job he could find…if he looked for it.

Also, while the claimant testified he would have difficulty returning to the car business because it required a great deal of walking, every person who has bought a car in the last number of years know that car dealerships provide their salesman and other employees with golf carts and other means of transportation to transport both themselves and customers around the car lot. I see no reason that with his job skills, work experience and personality and contacts developed over a 29-year career working at car dealerships the claimant could find a job that would accommodate his knee problems. This is not speculation and conjecture. It is common sense based on not only my personal experience as the trier-of-fact, but also on the personal experience of anyone who has purchased a car from a dealership.

Fourth, again, the claimant has not looked for a job. He has taken no steps whatsoever to search or apply for any other jobs. Also, respectfully, I question his testimony that he could not have taken the Pulaski County accounts receivable job, or the supervisor/watch commander job if he had made some effort to pursue them. The evidence reveals Pulaski County had accommodated

the claimant's physical needs after his right and left knee replacements and was trying to help him find another job with the county. The claimant's testimony concerning the aforementioned two (2) Pulaski County job possibilities sounded like he simply *did not want to do this type of work, not that he was physically or otherwise incapable of performing it*.

Fifth, the evidence reveals the claimant has little, if any, financial motivation or need to return to gainful employment. He testified he had done well financially in the car business. He was capable of taking and living with and on a significant decrease in his income of greater than 50% when he left the car business for his calling as a juvenile detention guard. Also, in addition to his $2,300 per month income from social security retirement and his almost $600 per month in county retirement income, the claimant has a retirement source from his 29-year career in the car business. Again, these facts lead one to draw the legally appropriate and reasonable inference the claimant does not have a strong financial motivation – if any financial motivation whatsoever at this time – to return to gainful employment and earn a meaningful wage.

In conclusion, the preponderance of the credible evidence of record conclusively reveals this intelligent, experienced, articulate, likeable claimant is physically capable of finding gainful employment for which he is both physically and otherwise qualified…*if* he truly wants to do so. To award a claimant with a scheduled injury PTD benefits on these facts would constitute a lowering of the burden of proof in such cases, which would not only be inappropriate and fly in the fact of the applicable statutory and case law, it would be unfair to the claimants of lesser education, job experience and transferable skills who truly have been rendered PTD by significant, lifetime debilitating scheduled injuries.

Therefore, for all the aforementioned reasons I hereby make the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The stipulations set forth in the prehearing order of March 26, 2026, which the parties affirmed on the record at the hearing, hereby are accepted as facts.

2. The claimant has failed to meet his burden of proof in demonstrating he is PTD as a result of his admittedly compensable right knee injury of July 12, 2022. Indeed, among all the other relevant statutes, precedents, and relevant facts discussed *supra*, the claimant himself admitted under oath there probably were jobs he could perform. Based on his obvious transferable job skills, I am compelled to wholehearted agree with him in this regard.

3. The claimant's attorney is not entitled to a fee on these facts.

WHEREFORE, for all the aforementioned reasons, this claim is denied and dismissed subject to the parties' statutory appeal rights.

If they have not already done so the respondents shall pay the court reporter's invoice immediately upon their receipt thereof.

IT IS SO ORDERED.

Mike Pickens
Administrative Law Judge

MP/mp