BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.: H506639

COLBY WILLIAMS, EMPLOYEE — CLAIMANT

GOODYEAR TIRE & RUBBER COMPANY, EMPLOYER — RESPONDENT

LIBERTY INSURANCE COMPANY, INSURANCE CARRIER/TPA — RESPONDENT

OPINION FILED NOVEMBER 2, 2026

Hearing held before ADMINISTRATIVE LAW JUDGE CHANDRA L. BLACK, in Texarkana, Miller County, Arkansas.

Claimant represented by the HONORABLE GREGORY GILES, Attorney at Law, Texarkana, Arkansas.

Respondents represented by the HONORABLE KAREN H. MCKINNEY, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

On August 11, 2026, the above-captioned claim came on for a hearing in Texarkana, Arkansas. Previously, a pre-hearing telephone conference was held on July 15, 2026. A Pre-hearing Order was entered that same day pursuant to the telephone conference. Said order was admitted into evidence along with the parties' pre-hearing information filings without objection.

Stipulations

During the pre-hearing telephone conference, and/or at the hearing, the parties agreed to the following stipulations:

1. The Arkansas Workers' Compensation Commission has jurisdiction of the within claim.

2. The employee-employer-carrier relationship existed on the parties on July 17, 2024.

3. The Claimant's average weekly wage of $1,209.28 computes to a temporary total disability rate of $807.00 per week, and a permanent partial disability rate of $604.00 per week.

4. All issues not litigated are reserved under the Arkansas Workers' Compensation Act.

Issue

Whether the Claimant was performing employment services on January 17, 2024, when he slipped and fell in the parking lot.

Contentions

The Claimant's and Respondents' contentions are set out in their respective response to the Pre-hearing Questionnaire. Said contentions are as follows:

Claimant:

The Claimant contends that he sustained a compensable injury to his back on January 17, 2024. The Claimant contends that he is entitled to temporary total disability benefits during the time frame from January 18, 2024, until he reached maximum medical improvement. The Claimant contends the medical treatment he has received to date has been reasonable, necessary and related with regard to his back such that the Respondents should be ordered to pay for same.

The Claimant contends that he is entitled to permanent partial disability benefits and wage loss disability benefits. The Claimant contends he is entitled to additional medical treatment.

Respondents:

The Respondents contend that the Claimant was not performing employment services on January 17, 2024, when he slipped and fell in the parking lot after he had completed his work for the day, clocked out, existed the building, and was walking towards his car. In the alternative, the

Respondents contend that the MRI performed on April 18, 2024, revealed bilateral L5 Pars Defect and mild osteoarthritic changes at L5-S1 which Dr. Wayne Bruffett opined were pre-existing and not related to the Claimant's fall on January 17, 2024.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record as a whole, including the medical reports, the documentary evidence, and other matters properly before the Commission, and after having had an opportunity to listen to the testimony of the Claimant and having observed his 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 proposed stipulations set forth above are reasonable and hereby accepted.
3. The Claimant was not performing employment services at the time of his accidental fall in the parking lot on January 17, 2024.
4. This claim is hereby respectfully denied and dismissed in its entirety.

Summary of Evidence

The Claimant, Mr. Colby Williams, was the sole witness to testify at the hearing.

The record consists of the transcript from the Full Hearing held on August 11, 2026, and the exhibits held therein. In that regard, the Pre-hearing Order discussed above was inadvertently omitted from the transcript. Therefore, it has been blue-back and made a part of the record. The exhibits admitted into evidence in this case were: Claimant's Exhibit 1 is a letter dated July 15, 2026, consisting of two pages, which was authored by the Claimant's attorney; Respondents' Exhibit 1, encompasses a cover page and one page of Non-Medical Records; and Joint Exhibit 1

is the Claimant's Oral Deposition taken February 6, 2026, and it is retained in the Commission's file.

HISTORY

The Claimant was 46 years old at that time of the hearing. He completed one year of vocational training in 2016 and has obtained certification in Electronics Instrumentation and Technology. The Claimant is currently unemployed, and he has not worked since his employment ended at Goodyear. The Claimant testified that he began his employment with the respondent-employer on May 4, 2022. His job title was *mill-man*, and it stayed unchanged throughout his employment with the respondent-employer. The Claimant worked the night shift, which was from 7:00 p.m. until 7:00 a.m.

He confirmed that he drove his personal vehicle to work, which was a 2009 Honda Accord. The Claimant testified that he reported for work, and he parked in the main parking lot. Per the Claimant, Goodyear owns the parking lot. According to the Claimant, he entered the parking lot through a security gate. The Claimant essentially confirmed that visitors park in the same parking lot. He testified that typically each day, he tried to arrive at the plant between 6:30 a.m. and 6:45 a.m. to ensure he was in the plant and clocked in and ready to work.

On January 16, 2024, the day before his alleged accident, the Claimant worked the night shift. He confirmed that he completed his shift. While the Claimant was working, the weather changed and it began to snow and there was also ice on the ground. He had some concerns about being able to get his car out of the parking lot. The Claimant agreed that the parking lot is slanted. According to the Claimant, once he became aware of the wintry weather, he clocked out early. He admitted that when he parks in the parking lot, he has a badge that he presents at the security gate to get in the plant. According to the Claimant, he was not scheduled to work on January 17.

However, the Claimant testified that he reported for work on January 17 because he received a telephone call and a text from his supervisor, Jeff Caldwell, asking him to report for work. He agreed and reported for work. The Claimant further explained that he agreed to work on a day that he typically would not have worked.

When the Claimant reported for work on January 17, he testified that it was icy, and snow was still on the ground, and it was very slippery. The Claimant testified that it was a company requirement for him to wear steel-toed boots, for which they were provided boot vouchers. However, the Claimant essential testified that their clothing was within their discretion. He confirmed that he completed his entire twelve-hour shift on the night of the incident. The Claimant agreed that there is a time clock located in the mill room. Per the Claimant, he clocked in and out with his badge. After the Claimant finished working that night, he clocked out around 7:00 a.m. that morning. The Claimant walked out of the plant from the door to the turnstiles. Once he got through the turnstiles to walk to the parking lot to where he was parked, he was fifteen to twenty feet away from his vehicle. Therefore, relatively speaking, the Claimant was parked closer to the front of the parking lot. The Claimant testified that by the end of his shift, the ground was still icy and slippery. He confirmed that he exited through the turnstile area on to the parking lot. The Claimant testified that he was approximately five to six feet away from his vehicle, when he slipped and fell in the parking lot.

The Claimant was asked to describe how he fell, for which he provided the following account:

> A. I was walking and I just wound up slipping and all I know, my feet came up off under me, and when I fell, my backpack came off, my safety glasses wasn't on and, like I was telling you before, it was a group of people behind me. They wound up helping me up.

According to the Claimant, he did not require emergency medical attention. The Claimant admitted that he did not report the event to anyone at that time. However, the Claimant did report to work later for his regular shift and on that day, he reported what had happened. At that time, the Claimant's back was hurting. Per the Claimant, he tried to report his injury to his supervisor, John Winningham, but he directed him to report it to the safety person. Management made an appointment for the Claimant to receive medical attention, and he left work and drove himself to the doctor. The Claimant went to HealthCare Express. They saw him for a few visits. He also underwent physical therapy at St. Michael's. Ultimately, the Claimant was evaluated by Dr. Wayne Bruffett, in Little Rock.

On cross-examination the Claimant was uncertain as to whether all his medical care, beginning with HealthCare Express and continuing through his release by Dr. Bruffett, was initially accepted as a workers' comp. injury and paid for by the Respondents.

Next, the Claimant was questioned extensively concerning where the parking lot is situated in reference to the plant. (TR 27-31) The Claimant testified that the guards are aware of what is going on in the parking lot. He confirmed that on the night of the 16th onto the 17th he was aware of the accumulation of snow and ice on the parking lot. He confirmed that there are two guard shacks. The Claimant admitted that when his injury occurred, he had just come out of the turnstiles and was headed towards his car when he fell.

The following exchange took place:

> THE COURT: At the time of your fall or your slip on the ice, you were headed to your vehicle? I need a yes or no.
>
> A. I'm sorry, Judge. I'm not used to this. Yes, ma'am. Yes, ma'am.

THE COURT: Okay, but you were headed to your own personal vehicle, is that correct?

A. Correct.

Adjudication

Employment Services

The crucial issue for determination in this matter is whether on January 17, 2024, the Claimant performing employment services at the time of his accidental injury that occurred on Goodyear's parking lot when he slipped and fell.

Here, Act 796 of 1993, as codified at Ark. Code Ann. §11-9-102(4) (Repl. 2012), provides, in pertinent part:

> (A) "Compensable injury means:
> (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[.]
>
> (B) "Compensable injury" does not include:
> (iii) Injury which was inflicted upon the employee at a time when employment services were not performed before the employee was hired or after the employment relationship was ended.

The test for determining whether an employee was acting within the "course of employment" at the time of the injury requires that the injury occur within the time and space boundaries of the employment, when the employee is carrying out the employer's purpose or advancing the employer's interests directly or indirectly. *Pilgrim's Pride Corp. v Caldarera*, 54 Ark. App. 92, 923 S.W.2d 290 (1996).

More specifically, an employee is performing employment services when he is doing something that is generally required by her employer. *Texarkana School District v. Conner*, 373 Ark. 372, 284 S.W. 3d 57 (2008). 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 interest, either directly or indirectly. *Javen v. Economy Inn & Suites*, 370 Ark. 414, 260 S.W. 3d 281 (2007).

The following facts in this case are undisputed. The Claimant began working for Goodyear on May 4, 2022, as a mill-man. His regular shift hours were from 7:00 p.m. until 7:00 a.m. The weather conditions during this period of time included wintry type weather in the form of snow and ice, which resulted in the parking lot being slippery.

On January 17, management reached out to the Claimant and asked him to work because of a lack of workforce. The Claimant agreed to do so and worked his regular twelve-hour shift. The Claimant's testimony proves that he completed his shift on the morning of January 17 at around 7:00 a.m. He had clocked out and walked through the secured parking area enroute to his own personal vehicle and was only a few feet away from his vehicle. However, while walking through the parking lot, the Claimant slipped and fell, and in so doing injured his back. The "going and coming rule" generally forecloses recovery for an injury sustained while the employee is going to *or returning from his place of employment* because an employee is generally not acting within the course of employment when traveling to and from the workplace. *Olsten Kimberly Quality Care v. Pettey*, 328 Ark. 381, 944 S.W. 2d 524 (1997).

At the time of the Claimant's injury on January 17, he was in the parking lot, walking in the direction of his vehicle because his shift had ended. The evidence shows that the Claimant had clocked out, and he had no other employment duties to perform for Goodyear. Specifically, the Claimant credibly testified that once inside of his vehicle, his sole intent was to go home. All the Claimant's afore actions are personal in nature. No probative evidence whatsoever has been presented to indicate that at the time of the Claimant's injury, he was doing something that was

required by his employer. Moreover, when the Claimant's injury occurred, he was not conducting or advancing his employer's interest either directly or indirectly. Instead, as previously noted, at the point that the Claimant slipped and fell on the parking lot, he had clocked out and performed all his Goodyear employment-related duties. Hence, the Claimant's injury did not arise out of and in the course of his employment at Goodyear.

Accordingly, because the evidence preponderates that the Claimant was not performing employment services at the time of his accidental fall on January 17, 2024, his back injury is not compensable. More specifically, the preponderance of the evidence thus does not establish that the Claimant suffered a compensable injury by specific incident on January 17, 2024. Hence, the Claimant has failed to meet his burden of proof.

ORDER

In accordance with the findings of fact and conclusions of law set forth above, this claim is respectfully denied and dismissed in its entirety.

IT IS SO ORDERED.

CHANDRA L. BLACK
Administrative Law Judge