

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
AWCC NO. H504634**

ELIJAH WASHINGTON, EMPLOYEE

CLAIMANT

**HOME DEPOT USA, INC.,
EMPLOYER**

RESPONDENT

**SAFETY NAT'L CASUALTY CORP.,
CARRIER**

RESPONDENT

OPINION FILED FEBRUARY 27, 2026

Hearing before Chief Administrative Law Judge O. Milton Fine II on January 2, 2026, in Jonesboro, Craighead County, Arkansas.

Claimant *pro se*.

Respondents represented by Mr. Michael E. Ryburn, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

On January 2, 2026, the above-captioned claim was heard in Jonesboro, Arkansas. A prehearing conference took place on November 3, 2025. The Prehearing Order entered that same day pursuant to the conference was admitted without objection as Commission Exhibit 1. At the hearing, the parties confirmed that the stipulations, issues, and respective contentions, as amended, were properly set forth in the order.

Stipulations

The parties discussed the stipulations set forth in Commission Exhibit 1. With an amendment of the fourth reached at the hearing, they read:

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

2. The employee/employer/carrier relationship existed among the parties on July 14, 2025, the alleged date of injury.
3. Respondents have controverted this claim in its entirety.
4. Claimant's average weekly wage was \$273.00, entitling him to compensation rates of \$182.00/\$137.00.

Issues

At the hearing, the parties discussed the issues set forth in Commission Exhibit

1. The following were litigated:

1. Whether Claimant sustained compensable injuries to his back and right shoulder by specific incident.
2. Whether Claimant is entitled to reasonable and necessary medical treatment of his alleged compensable injuries.
3. Whether Claimant is entitled to temporary total disability benefits.

All other issues have been reserved.

Contentions

The respective contentions of the parties are as follows:

Claimant:

1. Claimant contends that he sustained compensable injuries to his back and right shoulder when he was struck by falling items at work.

Respondents:

1. Respondents contend that Claimant does not have a compensable injury. He has no objective findings of such an injury.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record as a whole, including medical reports, documents, and other matters properly before the Commission, and having had an opportunity to hear the testimony of Claimant and to observe 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 stipulations set forth above are reasonable and are hereby accepted.
3. Claimant has not proven by a preponderance of the evidence that he sustained a compensable injury to his back by specific incident.
4. Claimant has not proven by a preponderance of the evidence that he sustained a compensable injury to his right shoulder by specific incident.
5. Because of Findings/Conclusions Nos. 3 and 4, *supra*, the remaining issues—whether Claimant is entitled to reasonable and necessary medical treatment of his alleged compensable injuries, and whether he is entitled to temporary total disability benefits—are moot and will not be addressed.

CASE IN CHIEF

Summary of Evidence

Claimant was the sole witness.

In addition to the Prehearing Order discussed above, the exhibit admitted into evidence in this case was Claimant's Exhibit 1, a compilation of his medical records, consisting of 14 numbered pages.

ADJUDICATION

A. Compensability

Introduction. Claimant has alleged that as a result of an incident at work on July 14, 2025, he sustained compensable injuries to his back and right shoulder. Respondents deny that he suffered a compensable injury.

Standards. Arkansas Code Annotated § 11-9-102(4)(A)(i) (Repl. 2012), which I find applies here, 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).

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).

Discussion. Claimant, who is 30 years old and has a high school diploma, testified that he was employed by Respondent Home Depot as a freight and receiving associate. His duties in this position included unloading trailers of newly-arrived merchandise, and then stock the shelves with it. The items were unloaded by placing them on a conveyor belt. He related that the following took place at approximately 8:00 to 8:30 p.m. on July 14, 2025:

As far as I know, that I was just working as normal. And I had my back turned. And the items just kind of got pushed down off the conveyor. The items got pushed down off the conveyor when the employees was pushing them down, and it just hit my back.

His testimony was that more than one item struck his back and shoulder. While he did not see any of them because his back was turned, he believed that one item was a box that weighed approximately 50 pounds. Another was a piece of plumbing. At the time his happened, he was kneeling on the floor. The conveyor belt off of which the items purportedly fell was approximately table height. Claimant described feeling pain in his back and right shoulder after being struck.

Right after this occurrence, according to Claimant, he related the incident to his manager and was instructed to write out a statement of what had happened. After completing the statement, at around 8:40 to 9:00 p.m., he went home. He testified that in the one-week period following the alleged accident, he sought treatment three to four times. These included visits to the emergency room of St. Bernard Medical Center and to ARCare, a drop-in clinic.

Claimant's Exhibit 1 consists predominantly of medical bills—not medical records. For instance, while the bills in evidence document that he underwent CT scans of his chest plus his cervical, thoracic and lumbar spine on July 15, 2025, as well as his

abdomen and pelvis on July 20, 2025, the results of those tests are not in evidence. Claimant underwent MRIs of his right upper extremity and his thoracic spine on October 28, 2025; but those results were likewise not offered into evidence. In fact, the records in evidence are devoid of objective findings of either a back or a right shoulder injury.

In making the above statement, I am aware that page 10 of Claimant's Exhibit 1 contains a prescription for Zanaflex "as needed (muscle spasm)." The prescription was issued by Michael Brandon Belt, M.D., of NEA Baptist Hospital in Jonesboro on September 24, 2025. I am also aware that in *Estridge v. Waste Mgmt.*, 343 Ark. 276, 33 S.W.3d 167 (2000) the prescription of Flexeril "as needed for muscle spasm" was held to be tantamount to objective finding of muscle spasm. *See also Nucor Yamato Steel Co. v. Shelton*, 2025 Ark. App. 249, 713 S.W.3d 494; *Melius v. Chapel Ridge Nursing Ctr.*, 2021 Ark. App. 61, 618 S.W.3d 410. But here, nothing in the prescription indicates where this muscle spasm was purportedly indicated. Furthermore, the report from the September 24, 2025, doctor visit—if such exists—is not in evidence. *Estridge* and its progeny are thus distinguishable. Only through speculation or conjecture could I use the above prescription to find that objective findings of Claimant's alleged back and/or right shoulder injury have been established. But I am not permitted to engage in speculation and conjecture. *See Dena Construction Co. v. Herndon*, 264 Ark. 791, 796, 575 S.W.2d 155 (1979).

In light of the foregoing, I find that Claimant has not proven by a preponderance of the evidence that he sustained either a compensable back injury or a compensable right shoulder injury. His claim must fail at the outset.

B. Remaining Issues

Because Claimant has not proven that he sustained a compensable injury, the remaining issues—whether he is entitled to reasonable and necessary medical treatment of his alleged compensable injuries, and whether he is entitled to temporary total disability benefits—are moot and will not be addressed.

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.

Hon. O. Milton Fine II
Chief Administrative Law Judge