

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H404818

RANDELL S. WEICHT,
EMPLOYEE

CLAIMANT

QUALITY TRUCKING OF LITTLE ROCK,
EMPLOYER

RESPONDENT

BROADSPIRE SERVICES, INC.,
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED JULY 9, 2026

Upon review before the FULL COMMISSION in Little Rock, Pulaski County, Arkansas.

Claimant appeared *pro se*.

Respondents represented by the HONORABLE ZACHARY F. RYBURN,
Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed & Adopted.

OPINION AND ORDER

The respondents appeal an administrative law judge's opinion filed November 3, 2025. The administrative law judge found:

1. The stipulations agreed to by the parties at the pre-hearing conference conducted on July 23, 2025, and contained in a pre-hearing order filed that same date are hereby accepted as fact.
2. Claimant has met his burden of proving by a preponderance of the evidence that he suffered a compensable injury to his right knee and right shoulder on July 16, 2024.
3. Respondent is liable for payment of all reasonable and necessary medical treatment provided in connection with claimant's compensable injuries.

4. Claimant is entitled to additional temporary total disability benefits from the date last paid, September 10, 2024, through a date yet to be determined at the previously paid compensation rate.
5. Respondent has failed to prove its entitlement to costs for the deposition or for filing the Motion to Dismiss in this claim.

After reviewing the entire record *de novo*, it is our opinion that the administrative law judge's decision is supported by a preponderance of the evidence, correctly applies the law, and should be affirmed. The administrative law judge's findings of fact are correct and are therefore adopted by the Full Commission. See *SSI, Inc. v. Cates*, 2009 Ark. App. 763, 350 S.W.3d 421. The Full Commission denies the motions to strike filed by both parties. In adjudicating this claim, the Full Commission has only considered the evidence submitted at the hearing held September 24, 2025, in accordance with Ark. Code Ann. §11-9-705(c)(Repl. 2012).

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

M. SCOTT WILLHITE, Commissioner

Commissioner Mayton dissents.

DISSENTING OPINION

I respectfully dissent from the majority's opinion. The claimant alleges that he was injured when he fell from his truck, on July 16, 2024,

injuring his shoulder and knee. The claimant is an unreliable witness and has failed to submit sufficient records that would connect his alleged injuries to his on-the-job fall.

A hearing was held on this matter, and an administrative law judge (ALJ) issued an opinion finding the claimant had met his burden of proving he sustained a compensable injury while denying respondents' request for costs. Respondents appeal.

In his opinion, the ALJ relied primarily on the claimant's testimony in finding the claimant sustained his burden of proof despite the lack of supporting evidence.

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. *White v. Gregg Agricultural Ent.*, 72 Ark. App. 309, 37 S.W.3d 649 (2001). Questions concerning the credibility of witnesses and the weight to be given to their testimony are within the exclusive province of the Commission. *Lowe's Home Centers, Inc. v. Robertson*, 2019 Ark. App. 24, 567 S.W.3d 899 (2019).

It is the responsibility of the Commission to draw inferences when the testimony is open to more than a single interpretation, whether controverted or uncontroverted, and when it does so, its findings have the

force and effect of a jury verdict. *Dorris v. Townsends of Arkansas, Inc.*, 93 Ark. App. 208, 218 S.W.3d 351 (2005).

From the outset, the claimant's testimony regarding his accident is unconvincing. The claimant alleges he was injured while stepping down out of his truck at a truck stop, injuring his right knee and shoulder. However, the video submitted into evidence from the truck's interior shows the claimant stepping out of the truck and, moments later, walking away from the camera. The claimant's disposition in the latter part of this video does not show any evidence of injury or a fall.

Further demonstrating his lack of trustworthiness, the claimant agreed to and then cancelled a deposition at the last minute, stating at the hearing "[t]he proceeding was not necessary for anything except for [respondents] to find out information" and "it was not benefiting [claimant] in any way. It was benefiting [respondent] only."

Ultimately, despite being given restrictions against "bending, twisting, pulling, or lifting greater than 15 pounds" on September 9, 2024, the claimant was seen on a ladder, clearing gutters with a leaf blower held over his head on September 16, 2024. The claimant testified he received explicit permission from his doctor to do this, but this idea strains credulity.

The claimant has demonstrated throughout the pendency of this claim his primary desire is to obscure the facts and submit information, by

his own testimony, only if it benefits him and shows his recounting of events is wildly unreliable. The claimant has gone out of his way to ensure the facts and medical records are seen out of context and in a self-serving light. We, therefore, cannot rely on the claimant's testimony alone in reaching a judgment. The claimant has failed to provide sufficient documentation that supports his claim, and he has, therefore, failed to meet his burden of proof.

Arkansas Code Annotated section 11-9-102 (4)(A)(i) provides that a compensable injury includes "[a]n accidental injury causing internal or external physical harm to the body. . . An injury is 'accidental' only if it is caused by a specific incident and is identifiable by time and place of occurrence."

Generally, a specific incident injury is an accidental injury arising out of the course and scope of employment caused by a specific incident identifiable by time and place of an occurrence. Ark. Code Ann. § 11-9-102(4)(A)(i). This, therefore, requires that a claimant establish by a preponderance of the evidence: (1) an injury arising out of and in the course of employment; (2) that the injury caused internal or external physical harm to the body which required medical services or resulted in disability or death; (3) medical evidence supported by objective findings establishing an injury as defined in Ark. Code Ann. §11-9-102(16) and; (4) that the injury

was caused by a specific incident identifiable by time and place of occurrence. Ark. Code Ann. § 11-9-102(4)(A)(i).

A compensable injury must be established by medical evidence supported by "objective findings." Ark. Code Ann. § 11-9-102(4)(D). Objective findings cannot come under the voluntary control of the patient. Ark. Code Ann. § 11-9-102(16).

It is within the Commission's province to weigh all the medical evidence, to determine what is most credible, and to determine its medical soundness and probative force. *Sheridan Sch. Dist. v. Wise*, 2021 Ark. App. 459, 637 S.W.3d 280 (2021). In weighing the evidence, the Commission may not arbitrarily disregard medical evidence or the testimony of any witness. *Id.*

In the present case, the medical records submitted by the claimant are out of context and incomplete, which is a further example of the claimant attempting to obscure evidence that does not further his claim.

The only remotely contemporaneous medical evidence is from August 8, 2024, three weeks after the claimant's injury. This evidence consists of three pages of medical records and two pages of arthroscopy images with no supporting documents to explain their meaning.

The August 8, 2024 records from Dr. Robert MacLeod make no effort to correlate the claimant's alleged injuries to his alleged July 2024 fall. The

only indication this injury is work related in these records is from the claimant's own statements to Dr. MacLeod. Dr. MacLeod's assessment notes reflect the claimant's rotator cuff tear was explicitly "not specified as traumatic."

We have no access to the claimant's earlier medical records which might give more detail regarding the claimant's knee and shoulder injuries from his time in the military or his prior knee injections. There is simply nothing reliable in the record reflecting these injuries were related to this alleged incident.

The claimant's testimony is spurious and inconsistent, and the records leave us to rely on speculation and conjecture in order to meet the claimant's burden of proof for him. Speculation and conjecture cannot substitute for credible evidence. *Smith-Blair, Inc. v. Jones*, 77 Ark. App. 273, 72 S.W.3d 560 (2002).

The claimant is clearly attempting to manipulate the Commission into finding in his favor by submitting only evidence he can control or benefits him. He has admitted to this fact. There is no objective evidence that actually links the claimant's injuries to his work.

To find in the claimant's favor is unfairly acting as the claimant's attorney and showing prejudice in his favor. The claimant has failed to meet his burden of proof and the ALJ should be reversed.

In his order, the ALJ states the respondents are not entitled to costs, because they did not specify a dollar amount at that time. This is contrary to the Rules of Civil Procedure. Ark. R. Civ. P. 37, and costs should be awarded to the respondents due to the actions of the claimant.

Accordingly, for the reasons set forth above, I must dissent.

MICHAEL R. MAYTON, Commissioner