

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM F403049

**DEBORAH ANN REESE,
EMPLOYEE**

CLAIMANT

**MCDONALD'S 1263,
SELF-INSURED EMPLOYER**

RESPONDENT

**ARKANSAS MCDONALDS
SELF-INSURANCE TRUST;
RISK MANAGEMENT RESOURCES,
BENEFITS ADMINISTRATOR**

RESPONDENT

OPINION FILED NOVEMBER 9, 2004

Hearing conducted September 1, 2004, before Administrative Law Judge Richard B. Calaway in Little Rock, Pulaski County, Arkansas, with

Ms. Deborah Ann Reese, Little Rock, Arkansas, proceeding pro se; and

Ms. Melissa Ross Criner, Attorney at Law, Little Rock, Arkansas, appearing for the respondents.

STATEMENT OF THE CASE

This is a dispute over whether medical evidence supported by objective findings shows that a compensable injury occurred when the claimant slipped and fell at work.

The claimant contended that she did sustain a compensable injury, primarily to her back, April 6, 2004, and should be awarded benefits, including reasonably necessary medical and related expenses, as well as temporary total disability benefits from April 6, 2004, until May 2, 2004. Other possible issues were reserved.

The respondents contended that a compensable injury cannot be established by medical evidence supported by objective findings. They also contended that the claim was initially accepted as compensable but no additional benefits are now due and owing. They further contend that the

record does not indicate a need for additional medical treatment or provide a basis for entitlement to indemnity benefits.

Based upon the record as a whole, and without giving the benefit of the doubt to any party, as required by the Act, the following findings of fact and conclusions of law are hereby made:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Arkansas Workers' Compensation Commission has jurisdiction of the parties and subject matter of this claim.

2. Pursuant to the stipulations of the parties and the record, the employment relationship existed at all pertinent times including April 6, 2004; the claimant's average weekly wage was \$145.02; and on that date the claimant slipped in water and fell in the kitchen area on the employer's premises.

3. Based upon the preponderance of the evidence, a compensable injury has been established by medical evidence supported by objective findings.

4. The claimant has incurred reasonably necessary medical and related expenses which are the responsibility of the respondents. The respondents are entitled to credit for medical expenses previously paid.

5. The preponderance of the evidence fails to show that the claimant is entitled to additional medical treatment or to benefits for temporary total disability.

DISCUSSION

Beginning in February, 2004, the claimant was employed by the respondent employer at its fast food restaurant on Cantrell Road in Little Rock where she did primarily front counter work in customer service.

On April 6, 2004, at the direction of the supervisor, she went to the front to get a bucket of dirty water to go back toward the kitchen to get clean water. In the kitchen, as she walked by the sink, she slipped and fell, the bucket went one way and she went down. For a minutes, the manager assisted her to a chair and asked if she wanted an ambulance to go to the emergency room. The claimant declined and asked that her friend, Marvin Davis, take her to the emergency room instead.

St. Vincent Health System Emergency Department discharge instructions, which were included as Claimant's Exhibit 1, show that she was seen there by Dr. Sam Norwood April 6, 2004, and that her diagnosis was "CONTUSIONS (Bruises)." That document describes contusions and states that leaking blood from broken blood vessels causes "the swelling and the blue color." This document also advised the claimant to apply ice packs and indicated that she was to take Hydrocodone and Acetaminophen. A nurse's note indicated that she was seen for back contusion and could return to work Monday, April 12, 2004. Claimant's Exhibit 3. Claimant's Exhibit 5 indicates a service date of 4/13/04 but a visit date of April 15, 2004, and states that the claimant was seen by Dr. Scott Carle who diagnosed a lumbar strain and cervical strain. His note indicated that the claimant could return to work April 13, 2004, to do sedentary work with up and about movement as tolerated. A bone scan dated April 22, 2004, was read as a normal scan with no evidence of fracture or other abnormality. The reason for the scan was fall on coccyx, pain; rib pain. Dr. Carle wrote that the claimant's physical examination in addition to negative x-ray and bone scan results did not reveal objective evidence of bodily harm, and he suggested that her condition may warrant further attention under her group health carrier.

On cross-examination, the claimant indicated that she did not feel that she could work and did not attempt the sedentary work that was offered by the employer. She and her friend, Mr. Davis,

offered testimony concerning her discomfort and pain and their concern that she had not been treated fairly by the employer. The claimant also indicated that she thought one of her physicians wanted her to have an MRI. However, the medical record does not support such a finding. The claimant also expressed an interest in compensation for pain and suffering. However, the Act does not provide for such compensation in workers' compensation cases.

In short, the notation of bruises and the description of bruises in the record is a sufficient objective medical finding to establish the existence of a compensable injury. However, the claimant's off-work status was not long enough for her to be entitled to temporary total disability benefits. The medical expenses she incurred were reasonably necessary in connection with her injury and may have been paid by the respondents at the time of the hearing. However, the record does not support a finding that she is entitled to additional medical care or benefits, since the injury established by objective medical findings was relatively minor and seems to have resolved.

AWARD

Pursuant to the foregoing opinion and the law, the respondents are ordered and directed to pay benefits on behalf of the claimant.

Accrued benefits hereinabove awarded shall be paid in lump sum without discount. This award shall bear interest at the maximum legal rate until paid.

IT IS SO ORDERED.

RICHARD B. CALAWAY
Administrative Law Judge