

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F408291/F410666

DONNA BRADFORD	CLAIMANT
PLAZA AT THE VILLAGE	NO. 1 RESPONDENT
ST. PAUL TRAVELERS COMPANIES, INC. INSURANCE CARRIER	NO. 1 RESPONDENT
FIRSTCOMP INSURANCE CO. INSURANCE CARRIER	NO. 2 RESPONDENT

OPINION FILED APRIL 21, 2005

Hearing before ADMINISTRATIVE LAW JUDGE ELIZABETH DANIELSON in Fort Smith, Sebastian County, Arkansas.

Claimant represented by EDDIE H. WALKER, JR., Attorney, Fort Smith, Arkansas.

Respondents No. 1 represented by ROBERT MONTGOMERY, Attorney, Little Rock, Arkansas.

Respondent No. 2 represented by WILLIAM C. FRYE, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held on February 15, 2005, in Springdale, Arkansas.

A pre-hearing conference was held in this claim, and as a result a pre-hearing order was entered in the claim on January 7, 2005. This pre-hearing order set forth the stipulations offered by the parties, the issues to litigate and the contentions thereto.

The following stipulations were submitted by the parties and are hereby accepted:

1. The Arkansas workers' Compensation Commission has jurisdiction of this claim.

2. On June 5, 2004, and August 17, 2004, the relationship of employee-employer-carrier existed between the parties.

3. Respondents No. 1 had coverage from August 6, 2003, to August 1, 2004.

4. Respondent No. 2 had coverage from August 6, 2004, to present.

5. The claimant is entitled to a weekly compensation rate of \$201.00 for temporary total disability and \$154.00 for permanent partial disability.

By agreement of the parties the issues to litigate are limited to the following:

1. Compensability of the claimant's injury to her cervical spine on June 5, 2004, and August 17, 2004.

2. Related medical.

3. Carrier liability.

4. Temporary total disability from August 18, 2004, to a date to be determined.

5. Attorney's fees.

In regard to the foregoing issues the claimant contends that she sustained a compensable injury to her cervical spine on June 7, 2004, as a result of lifting a loaded serving tray. The claimant contends that she sustained additional injury to her cervical spine on August 17, 2004, as a result of lifting a loaded serving tray. The claimant contends that she is entitled to temporary partial disability benefits from August 18, 2004, until a date yet to be determined. The claimant contends that she is entitled to

reasonable and necessary medical treatment. The claimant contends that her attorney is entitled to an appropriate attorney's fee.

In regard to the foregoing issues Respondents No. 1 contend that the claimant did not sustain a compensable injury while in their employ and while Travelers Insurance Company had coverage.

In regard to the foregoing issues Respondent No. 2 contends that the claimant has had long-standing neck problems. According to the records, the claimant underwent a three level fusion at C5, C6 and C7 due to a motor vehicle accident in 1998. Also, the claimant suffers from severe degenerative disc disease. Shortly after coming to work for the respondent, the claimant reported to various insured personnel that she was having problems due to a motor vehicle accident. Also, the records indicate that the claimant suffers from fibromyalgia. On June 7, 2004, the claimant reported to her chiropractor that she was having neck pain, spasms, restricted range of motion, and a feeling of pins and needles in her arm. The claimant was treated and apparently put on some type of light duty. There was no report of an injury at that point. It should also be noted that the claimant is asking for temporary partial disability benefits from the date of that injury until the date of the claimant going off of work completely on August 17, 2004. It is Respondent No. 2's contention that the claimant's problems are preexisting in nature. If the claimant does have problems at this point, they are a combination of the June 7, 2004, incident and the preexisting condition and are not due to any incident on August 17, 2004. In particular, the August 17, 2004,

incident would simply be a recurrence of the previous condition and symptoms.

The documentary evidence presented in this matter consists of the Commission's pre-hearing order marked Commission's Exhibit No. 1. Respondents No. 1 and 2 submitted documentary evidence marked Respondents No. 1 and Respondent No. 2's Exhibit No. 1. All these exhibits were admitted without objection.

DISCUSSION

The claimant testified that she was hired as a bartender by the respondent on May 9, 2004, but wound up being a waitress and a bartender. The claimant testified that on June 5, 2004, they had worked a party. The claimant testified that during the event she felt pain and burning in her neck but because they were short handed and she had worked hard that night she thought that she had just overworked herself. The claimant testified that she injured herself carrying trays of empty glasses and dishes. The claimant estimated that the trays she was carrying when loaded with glasses and dishes, would weigh from twenty-five to thirty-five pounds. The claimant testified that she felt pain when she lifted a tray and was carrying it to the kitchen. The claimant stated that Kathy, the owner, was not present that evening and there was no one to report her problems to, so at the end of her shift she just went home.

The claimant testified that on Monday morning she was in such pain she went to see Dr. Berger, a chiropractor. The claimant testified that she was so swollen the doctor could not adjust her

and that he gave her a TENS unit and did a little message. The claimant testified that she reported to Dr. Berger what caused her onset of symptoms. The claimant testified that she called Kathy Nelson, the owner, and reported that she must have hurt herself Saturday night because she was completely bed ridden, her neck was locked up, she was in excruciating pain and crying. The claimant remembers that she was off work for one week and after that week she returned to her regular job for the respondent.

The claimant testified that she was working a party of about 76 with Mallory, another waitress, on August 17, 2004. The claimant testified that she picked up a tray loaded with dishes and glasses and immediately felt a sharp stabbing pain from the back of her neck up into her head radiating down her shoulders and arms. The claimant testified that she went immediately to tell Kathy and Mr. Yamamoto, the new manager, that she had hurt herself and that they needed to take her to the doctor because she was unable to drive. The claimant testified that she saw both Dr. Berger as well as Dr. Petty that day. When asked, the claimant remembered that she had last seen Dr. Berger on June 12 and that after that meeting with Dr. Berger, she was able to return to work until the August 17 event. The claimant testified that when she saw Dr. Berger on August 17 she was having sharp pains, burning, numbing and muscle spasms. The claimant testified that she has not worked since August 17, 2004, because she is physically not able to work. The claimant testified that she continually has pain, numbness and that her fingers will go white, that she has sharp pain going down the

back of her arms and she has headaches. The claimant testified that she is still under active medical treatment for her problems and that she was last seen by her doctor the day before this hearing and has a return appointment the day after this hearing.

The claimant testified that in 1998 she was involved in a motor vehicle accident which resulted in her having surgery on her neck. The claimant agreed that Dr. Billings did the surgery but she also was seen by Dr. Eugene Feild. The claimant agreed that she last was seen by Dr. Feild on January 5, 2001. The claimant testified that for two years prior to June 5, 2004, she did not receive any kind of treatment for her neck.

The claimant testified that before she went to work for the respondent she worked for Bella Italia in Fort Smith as a bartender/waitress. The claimant testified that her duties at this job required her to set up her stations, get her juices ready, prepare her garnishes, ice down the beer, wait on tables, take orders, pick up plates and bus the tables as well as do reset up. The claimant testified that before working for Bella Italia she was a hair stylist and had to move her arms and hands and shoulder joints in order to do this work. The claimant testified that she had no problems doing the requirements of a hair stylist but that she would be unable to do this job as well as do the bartender/waitress job because of her current physical problems. The claimant testified that she had her neck surgery at the C5-6 and C6-7 levels and to her knowledge she has never received any treatment for her C2-3 and C3-4 levels before June 2004.

On cross examination by Respondents No. 1, the claimant again testified that on June 5, 2004, while working carrying trays, she began to feel a burning pain in her neck. The claimant testified that she does not remember a specific particular point during the evening when she first felt this pain. The claimant testified that that particular evening she was working with Rachel and Tina. The claimant testified that Tina has been working for the respondent for a long time and that she is like a head waitress. The claimant agreed that if the owner of the restaurant, Kathy Nelson, or another manager was not present then Tina became the manager or supervisor. The claimant agreed that since Tina was there that evening she could have reported her problem to her but that she just did not. The claimant testified that the respondent's business is closed on Sunday and that she does not have a number for Tina or Kathy. The claimant testified that on Monday morning she immediately called the owner of the respondent's business, Kathy Nelson. The claimant testified that prior to being employed by the respondent in May 2004 she was not having any kind of physical problems at all with her neck or back. The claimant testified that after June 5, 2004, she began receiving treatment from the doctor every day for one week and then return to work for the respondent. The claimant testified that she felt fine enough to go back to work and do her job. The claimant stated that she was sure she was having some discomfort and pain at time but it did not interfere with her doing her job. The claimant agreed that in her deposition she reported that when she returned to work after

June 12 she was pain free, not taking medication and not seeing any doctors until August 17, 2004. The claimant testified that on June 5, 2004, she worked her entire shift and drove herself straight home after work. The claimant testified that during the year 2003 and the year 2004 up until June 5, 2004, she had not been involved in any car wrecks.

On cross examination by Respondent No. 2, the claimant testified that she has filed for social security subsequent to October 2004. The claimant testified that she had also filed for social security in June 2003 due to her fibromyalgia but that this claim was denied. The claimant testified that during the period of time she filed for social security she was also trying to acquire her Arkansas hairdresser's licence so that she could receive discounts on beauty supplies. The claimant testified that she does not agree with Dr. de Silva's report where it is written that the claimant had a failed cervical fusion at C5, C6 and C7. The claimant testified that she also does not remember seeing Dr. Feild in December 2000 where he writes that she describes having painful features from her cervical area. The claimant testified that she also does not remember Dr. Feild telling her that she is going to continue to have painful problems and that in the future she would probably require additional cervical surgery. The claimant explained that when she filed for social security in June 2003 she also was experiencing anxiety attacks and explained that she had experienced the death of a grandchild and was under financial stress. The claimant agreed that she also has a hammer syndrome in

her right hand, a seizure problem as well as arthritis in her hip. The claimant testified that she also has headaches at least three times a week, left sided carpal tunnel for which she underwent surgery in 1984 and a congenital kidney problem. The claimant testified that the pain that she has now is very similar to the pain that she had before she had her original neck surgery. The claimant testified that if Jeff Fletcher, a co-employee, Kathy Nelson, the owner of the respondent's business, Tina Kendall, another one of her supervisors, and Mallory Scott all testified that she had been involved in a motor vehicle accident in June 2004 and had injured her neck and had called in to report the same to the respondent, they would all be incorrect. The claimant testified that Tina Kendall and Mallory Scott would also be incorrect if they testified that they had to help her with all the heavy lifting because she was having problems with her neck after June 2004. The claimant testified that she did occasionally have muscle spasms and pain in her neck from June 16, 2004, to August 17, 2004. The claimant testified that if the chef, Russ Williams, testified that on August 17 she told him that she had had several motor vehicle accidents and that the last wreck had stuck her with the bills and that she was going to need surgery he would be mistaken. The claimant was asked, "And if Ms. Kendall and Ms. Scott indicated that you told them that you---in the past---that you were probably going to need surgery, they would be mistaken?" The claimant responded, "They are mistaken."

On redirect examination, the claimant testified that she did not see Dr. Berger from June 16, 2004, until August 17, 2004, because she was not having any significant problems with her neck. The claimant testified that following her neck surgery in 1998 she was released by her physician on May 14, 1999, to full duty. The claimant again testified that she has no recollection of being seen by a doctor for any neck problems in December 2000 and the next time she was seen by a physician for her neck was in June 2004. The claimant testified that between December 15, 2000, and June 7, 2004, she did not receive any treatment for her neck. The claimant testified that she started having seizures approximately two months prior to this hearing.

On recross examination by Respondents No. 1, the claimant was asked concerning the December 2000 medical report from Dr. Feild where he comments about a crack in her fusion and mentions the possibility that she might require additional cervical surgery, the claimant testified that Dr. Feild did not mention this to her. The claimant testified that she does not remember Dr. Feild sharing his opinion with her that she had not reached maximum medical improvement because of her continuing painful features.

On recross examination by Respondent No. 2, the claimant agreed that she was being seen by a rheumatologist for a work up on her fibromyalgia. The claimant agreed that this rheumatologist was in Austin, Texas and that she continued to see him until she moved to Arkansas. The claimant also agreed that it was after she moved to Arkansas when she had a big flair up with her fibromyalgia.

Tina Kendall testified for the respondents stating that she had been working for them for about three and a half years and was still employed. This witness testified that when the owner of the business, Ms. Nelson, and the other manager are absent, she is the person in charge. Ms. Kendall testified that she does not recall the claimant ever telling her that she had hurt herself while working for the respondent. Ms. Kendall testified that the only time she can recall the claimant speaking of an injury was following a motor vehicle accident which the claimant had. Ms. Kendall explained that the claimant called in one evening reporting that she had been hit from behind in a motor vehicle accident and was unable to come to work. Ms. Kendall testified that following this event, the claimant was being seen by a chiropractor on a daily basis and that the cost of this treatment was coming out of her pocket. This witness testified that the claimant told her that she had slipped two disks in her back as a result of the motor vehicle accident. Ms. Kendall testified that it was not until after the claimant had left work in August that she learned that the claimant was alleging a work related injury. Ms. Kendall testified that when the claimant returned to work after being off a week in June, she and the other girls helped her by carrying the trays for her the first few days and then after that they helped her with the heavier trays. This witness testified that the claimant never told her that she had hurt herself while carrying trays.

On cross examination by the claimant's attorney, Ms. Kendall testified that the claimant's motor vehicle accident was in June. Ms. Kendall testified that the respondent's business began in October 2001 and she was one of the first employees hired. Ms. Kendall testified that the trays which they carry will vary depending on what the individual will put on their tray but that she would estimate that a tray loaded with dishes would be approximately twenty to thirty pounds probably. This witness testified that most of the tables in the restaurant are small tables seating four people, therefore, the trays used to bus these tables would be around ten to fifteen pounds in weight. This witness testified that when there is a party at the respondent's business there certainly would be more dishes and that the busing activities or clean up is done after the customers have gone. Ms. Kendall testified that the claimant told her on the last day that she worked for the respondent that she had hurt herself at work but did not tell her what she was doing. Ms. Kendall testified that she remembered that the claimant's last day of work they had worked a lunch party of approximately twenty-five to thirty-five people. Ms. Kendall stated that there were three other employees and herself working that day. This witness was again asked if she remembered working a party with the claimant on a Saturday in June and Ms. Kendall responded no. When asked, this witness clarified by saying that she is not denying that they did not work a party but that she does not remember it. Ms. Kendall testified that she

had never helped the claimant with trays before she started going to the chiropractor.

On cross examination by Respondent No. 2, Ms. Kendall testified that she took the phone call from the claimant when the claimant reported that she had been involved in a motor vehicle accident. Ms. Kendall testified that from that point up until when the claimant left work, there was not a period of time that she did not have complaints about neck problems. This witness testified that it was her understanding that the claimant was supposed to have surgery for her neck and would be off a period of time from work to have this surgery. This witness was asked if this would have been before August 17 and Ms. Kendall responded, "Yes."

Kathleen Nelson testified that she is the owner of the respondent/business which she started on October 4, 2001. Ms. Nelson stated that on June 5, 2004, a Saturday, she was not at the business. Ms. Nelson noted that if there had been a party with a large group she certainly would have been there. This witness testified that she did find out from the claimant that she was not going to be in due to a motor vehicle accident. This witness testified that the claimant was off work for a period of time remembering that she had a neck brace on. Ms. Nelson testified that the claimant did not report to her that she had injured herself while working on June 5, 2004. Ms. Nelson testified that it was her understanding that the medical treatment which the claimant was getting was due to the car accident which the claimant had reported to her. Ms. Nelson testified that in August 2004 she

became aware that the claimant was claiming a work related injury. Ms. Nelson remembers that she was working on the line in the kitchen after they had had a large group in and they were cleaning up when someone said that the claimant had left because she was injured.

On cross examination by the claimant's attorney, Ms. Nelson was asked how she learned about the claimant's alleged car wreck. Ms. Nelson responded that she understood that the claimant was on her way to work that evening and was involved in a car accident and would not be able to come in. Ms. Nelson testified that after this event the claimant missed work for probably five days. Ms. Nelson testified that the claimant told her that she would need to take some medical time in order to see a chiropractor because of her neck problems.

Respondent No. 2 called Mallory Scott to testify. Ms. Scott testified that currently she is employed with Celebrity Magazine but that prior to working the magazine, she had worked for the respondent. Ms. Scott testified that she was a server and worked with the claimant. This witness testified that she heard that the claimant got into a car accident and when she came back to work, she was having a lot of pain. This witness testified that when the claimant did come back to work she did not lift anything heavy for a while because of the pain and discomfort in her upper neck area. Ms. Scott testified that between the time of the claimant's automobile accident and August, there was not any time that she did not complain. Ms. Scott testified that she and the claimant talked

regularly because they worked together everyday and that the claimant talked about her pain, that she was seeing a chiropractor or a doctor and that she was scheduled to have some kind of surgery in August. Ms. Scott testified that the claimant told her that she had a crushed vertebrae in her neck. Ms. Scott testified that she helped the claimant bus tables and do lifting up until she quit in August. Ms. Scott testified that on August 17 she and the claimant worked a large party and then they were to clean up afterwards. Ms. Scott was asked if the claimant was lifting any large trays that day and this witness responded, "Not that I saw." Ms. Scott testified that this was the last day that they worked together.

On cross examination by the claimant's attorney, Ms. Scott testified that typically she would handle, as a server, between five and twenty pounds depending on what plates were being used. Ms. Scott testified that after the claimant returned to work in June, she continued to be seen by a chiropractor, noting that she would see the doctor in the mornings before she came to work. Ms. Scott testified that the claimant continued to see her chiropractor sporadically, every few weeks, from the period of time that she had been off work until her last day of work in August.

On cross examination by Respondents No. 1, Ms. Scott testified that it was her understanding that the claimant had been involved in a rear end collision and had hurt her back or neck and that she was not suppose to do any kind of manual activity. Ms. Scott testified that she did work with the claimant after she returned back to work. This witness was asked if the claimant had confided

to her or told her that she had hurt herself while working a large party on Saturday, June 5, this witness responded, "No. I never heard anything about that."

Russell Williams testified that he was a chef for the respondent. Mr. Williams testified that on August 17, 2004, he had a conversation with the claimant in the smoking area. Ms. Williams testified that the claimant told him that she had had three automobile accidents in a months period of time and that the last one she had the other person did not have any insurance and that she was left with a lot of medical bills. Mr. Williams testified that the claimant told him that she had already had surgery but that she was going to have to have surgery again.

The medical records set forth that the claimant was treated for neck problems resulting from a motor vehicle accident on October 22, 1998. An MRI scan as discussed in the independent medical evaluation dated October 30, 1998, sets forth that the claimant had two large disc herniations at C5-6 and C6-7. Dr. Anthony Billings operated on the claimant performing an anterior cervical discectomy at C5-6 and at C6-7 on November 12, 1998. The medical reports indicate that Dr. Eugene Feild did follow up with the claimant after her surgery and on March 1, 1999, Dr. Feild released the claimant at her request to return to work with the restrictions of no overhead work and no lifting greater than forty pounds. Dr. Feild writes on May 14, 1999, that the claimant returns for her final six month bending films showing excellent overall position and solidarity. Dr. Feild writes that the

claimant is released to full duty in her new job as an insurance clerk and that she has no restrictions in that job description. On December 15, 2000, Dr. Feild writes that the claimant is continuing to experience painful features in the upper cervical area above her fusions at C5-6 and C6-7. It is noted that x-rays reveal a crack in the fused C6-7 area resulting in minor motion. Dr. Feild recommended that the claimant undergo a cervical myelogram with contrast CAT scan to determine the extent of her cervical features. Dr. Feild writes that in his medical opinion the claimant has not reached maximum medical improvement because of her continuing painful features and that probably she will require additional cervical surgery.

The claimant was seen by Dr. Clay Berger on June 6, 2004, reporting neck pain, spasm and stiffness as well as tingling in both hands. Dr. Berger writes a note on the bottom of page 25 of the exhibits that the claimant states that her neck flair up happened while working as a waitress but did not report it because she did not want to lose her job. It is further noted in Dr. Berger's notes on page 25 of the exhibits that the claimant reported that she had had a motor vehicle accident and that several of her vertebrae had been surgically fused. The chiropractor's notes set forth that the claimant was treated on June 7, June 8 and June 16 with adjustments. The claimant was seen by Dr. Corwin Petty on August 17, 2004, where it is reported that she had an acute episode of neck pain brought on when she lifted a tray of items at work. It is further noted that the claimant has pain in

her lower neck and shoulders. The claimant was prescribed medications as well as chiropractic care. The claimant was seen by Dr. Berger, a chiropractor, on August 17, 2004, noting that she had a bad flare up of neck problems and is experiencing spasm and swelling. Dr. Berger writes, as set forth on page 33 of the exhibits, that the claimant's problems happened at work when she was told to carry very heavy trays of dishes. The medical records set forth that the claimant continued receiving chiropractic care by Dr. Berger every three or four days throughout August and into October. Dr. Berger writes to the claimant's employer on September 7, 2004, that the claimant is under his active medical care and she is not to lift over twenty pounds and should sharply decrease her physical activities over the next two to four weeks. The claimant underwent an MRI of her cervical spine on October 2, 2004, where it is noted that she has cervical spondylosis, noting that there was evidence at the C5-6 and C6-7 disc space levels which may represent surgical fusion. This test also shows that she had moderate to severe neuro foraminal narrowing at multiple levels, right parasagittal disc extrusion appears present at the C2-3 level, diffuse annular bulge and posterior osteophyte formation representing spinal channel stenosis with mass effect in the cervical cord at C3-4 level, large degree of mass effect in the cervical node at the C4-5 due to degenerative changes, left lateral recess narrowing demonstrated in the C5-6 due to atrophy and mild degree of spinal channel stenosis at the C6-7 due to degenerative changes and osteophyte formation. Dr. Shirin R. de Silva, for

social security purposes, rated the claimant with an 85 percent whole body impairment rating, further noting that this is a very low estimate as some of her conditions have not been worked up and, therefore, are not ratable. Dr. de Silva notes that he does not believe the claimant is employable in any capacity at this time. Dr. Clay Berger writes on behalf of the claimant and assesses the claimant, due to her neck condition, with a 54 percent impairment rating based on her score on her recent Oswestry disability questionnaire. Dr. Berger writes on behalf of the claimant on January 26, 2005, asking to clarify his notes concerning the claimant and when her injury occurred. Dr. Berger writes that the claimant reported to him that her symptoms first began at work several days prior to first seeing him, noting that she had been working a restaurant party when the injury occurred.

After a complete review of this entire record, I find that the claimant has failed to prove by a preponderance of the evidence that she sustained a work related injury on June 5, 2004, while working for the respondent. The claimant testified that she did not report a work related injury on the evening of June 5, 2004, and numerous witnesses have testified that the claimant called in to report that she had been involved in a automobile accident resulting in her need for chiropractic treatment and was off five days following this report. Two of the witnesses have testified that when the claimant returned to work they helped her with heavy trays and that she continued to complain about having neck problems. I further find that the claimant has failed to prove by

a preponderance of the evidence that she sustained an aggravation or a new injury on August 17, 2004, while working for the respondent. I do find, however, that she did have a recurrence of neck problems which she has been experiencing for some length of time perhaps even prior to June 5, 2004, automobile accident. It is noted that Dr. de Silva in December 2000 writes that the claimant is having painful features in her cervical area and that she most likely will require additional cervical surgery. Whether it was the claimant's long standing cervical problems which over time resulted in a recurrence of her symptoms or perhaps her automobile accident in June 2004 which aggravated her pre-existing cervical conditions which with time developed into severe symptoms it is hard to determine. I find, however, that it was not the work which she was performing for the respondent on August 17, 2004, which is the sole result of her need for medical treatment for her cervical area. I find, therefore, that this claim should be denied in its entirety.

FINDINGS & CONCLUSIONS

1. The Arkansas workers' Compensation Commission has jurisdiction of this claim.

2. On June 5, 2004, and August 17, 2004, the relationship of employee-employer-carrier existed between the parties.

3. Respondents No. 1 had coverage from August 6, 2003, to August 1, 2004.

4. Respondent No. 2 had coverage from August 6, 2004, to present.

5. The claimant is entitled to a weekly compensation rate of \$201.00 for temporary total disability and \$154.00 for permanent partial disability.

6. The claimant has failed to prove by a preponderance of the evidence that she sustained a work related injury on June 5, 2004, or a work related injury on August 17, 2004. See discussion above.

ORDER

The claimant has failed to prove by a preponderance of the evidence that she sustained a work related injury while working for the respondent on June 5, 2004, or on August 17, 2004. Therefore, this claim for benefits should be denied in its entirety.

IT IS SO ORDERED.

ELIZABETH DANIELSON
ADMINISTRATIVE LAW JUDGE