

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F306373

LAWRENCE LOCK, EMPLOYEE	CLAIMANT
HENDRIX COLLEGE, EMPLOYER	RESPONDENT
TRAVELERS INSURANCE COMPANY, INSURANCE CARRIER	RESPONDENT

**OPINION FILED FEBRUARY 7, 2005**

Hearing conducted before ADMINISTRATIVE LAW JUDGE MARK CHURCHWELL, in Conway, Faulkner County, Arkansas.

The claimant was represented by HONORABLE THOMAS W. MICKEL, Attorney at Law, Conway, Arkansas.

The respondents were represented by HONORABLE PHILLIP CUFFMAN, Attorney at Law, Little Rock, Arkansas.

**STATEMENT OF THE CASE**

A hearing was held in the above-styled claim on November 17, 2004 in Conway, Arkansas. A prehearing order was entered in this case on September 17, 2004. This prehearing order set out the stipulations offered by the parties and outlined the issues to be litigated and resolved at the present time. A copy of this prehearing order was made Commission's Exhibit No. 1 to the hearing record.

The following stipulations were submitted by the parties either in the prehearing order or during the course of the hearing and are hereby accepted:

1. Employee-employer-carrier relationship in June of 2003, and at all pertinent times.
2. That this claim is controverted in its entirety.
3. That the claimant's average weekly wage is sufficient to entitle claimant to compensation rates of \$187/\$154, based on an average weekly wage of \$280.00.
4. Mr. Lock reached maximum medical improvement on July 30, 2003 for purposes of establishing his temporary total disability.

By agreement of the parties, the issues to be litigated and resolved at the present time were limited to the following:

1. Compensability with attendant medical expenses and TTD from 6/8/2003 to at least 7/9/2003, or additional time based on receipt of additional medical evidence.
2. Controversion and attorneys' fees.

The record consists of the November 17, 2004 hearing transcript and the exhibits contained therein.

**DISCUSSION**

Mr. Lock was employed at Hendrix as a groundskeeper. On or about June 3, 2003, Mr. Lock lifted a standard manhole cover during the course of his job duties. The manhole cover weighed approximately 100 pounds, and Mr. Lock lifted the cover by placing his two middle fingers into the two holes on the cover and lifting. When he did so, Mr. Lock felt as if the muscle came out of his right elbow. The sensation felt as if a rubber band broke.

At the 9:00 o'clock break, Mr. Lock notified his supervisor, Darrell Sheaffer. Mr. Lock disregarded Mr. Sheaffer's advise to make a written record of the injury. Mr. Lock continued working the rest of the week. He experienced an electric shock sensation when he would pick anything up, which he attributed to a pulled muscle.

Over the weekend, Mr. Lock played a game of horseshoes at a family gathering, throwing with his injured right arm. Mr. Lock did not experience any new symptoms while playing horseshoes. However, on June 8, 2003, Mr. Lock awoke with severe pain and swelling in his right arm and later that day presented to the Conway Regional Health Systems Emergency Room where Dr. Robert McCarron diagnosed an acute volar compartment syndrome of the right forearm and performed a

volar fasciotomy of the right forearm with release of fascial superficial and deep compartment, as well as a median nerve decompression of the right wrist. Mr. Lock currently seeks benefits for treatment and temporary disability associated with his diagnosed volar compartment syndrome. The respondents contend that Mr. Lock did not suffer a compensable injury.

To prove the occurrence of a compensable injury as a result of a specific incident which is identifiable by time and place of occurrence, the claimant must establish by a preponderance of the evidence: (1) that an injury occurred arising out of and in the scope of employment; (2) that the injury caused internal or external harm to the body which required medical services or resulted in disability or death; (3) that the injury is established by medical evidence supported by objective findings, as defined in Ark. Code Ann. § 11-9-102(16); and (4) that the injury was caused by a specific incident and is identifiable by time and place of occurrence. Mikel v. Engineered Specialty Plastics, 56 Ark. App. 126, 938 S.W.2d 876 (1997).

In the present case, I find that Mr. Lock proved by a preponderance of the evidence each of the requirements necessary to establish the occurrence of a compensable volar

compartment syndrome injury. In this regard, Mr. Lock has credibly described the specific incident at work lifting a heavy manhole cover with two fingers and his immediate symptom onset. There is no dispute that Mr. Lock has experienced internal injury to the body (bleeding and pressure in the volar compartment of the forearm) and Dr. McCarron's pressure test results and surgical observations qualify as objective medical findings of the injury. The threshold question presented in this case is how, if at all, is the volar compartment syndrome causally related to the manhole cover lifting incident at work?

Dr. McCarron explained during his deposition that volar compartment syndrome is an uncommon condition. The predominant cause is trauma, which can include strain while using the limb. However, Mr. Lock was also on Coumadin, a blood thinner, and Coumadin therapy also increased the likelihood for Mr. Lock to develop volar compartment syndrome. In the present case, Dr. McCarrin testified with confidence that the manhole lifting episode was not the sole cause of Mr. Lock's compartment syndrome. Dr. McCarron also testified that throwing horseshoes was not the sole cause of Mr. Lock's volar compartment syndrome.

Since Mr. Lock seeks benefits for an injury allegedly related to a specific incident, I initially note that Mr. Lock is not required to prove that the work injury is the sole cause, or even the major cause, of his disability or need for medical treatment. Farmland Ins. Co. v. Dubois, 54 Ark. App. 141, 923 S.W.2d 883 (1996).

The evidence which persuades me that a causal connection exists between the manhole lifting incident and the volar compartment syndrome diagnosed and treated by Dr. McCarron includes (1) Dr. McCarron's testimony that trauma, including strain, predisposes an individual to compartment syndrome; (2) Dr. McCarron's conclusion that Mr. McCarron had an acute trauma; (3) Dr. McCarron's conclusion that lifting a manhole cover would be more likely to put strain on the volar forearm than pitching horseshoes; and (4) Mr. Locke's arm symptoms which developed during the manhole cover lifting incident and which never resolved before undergoing surgery. Consequently, I find that Mr. Lock has established by a preponderance of the evidence that his volar compartment syndrome is causally related to the manhole lifting incident at work.

The claimant's work related injury at issue is an arm injury, therefore the claimant's injury is considered a

scheduled injury. See Ark. Code Ann. §11-9-521(a). For a scheduled injury, a claimant is entitled to temporary total disability benefits until his healing period ends or until he returns to work, whichever occurs first. Wheeler Construction Co. v. Armstrong, 73 Ark. App. 146, 41 S.W.3d 822 (2002). The healing period continues until the injured employee is as far restored as the permanent character of the injury will permit. The healing period ends once the underlying condition has become stable and when nothing further in the way of medical treatment will improve the permanent character of the injury. Mad Butcher, Inc. v. Parker, 4 Ark. App. 124, 628 S.W.2d 582 (1982). The persistence of pain is not sufficient, by itself, to extend the healing period provided that the underlying condition has stabilized. Id.

In the present case, the parties stipulated that Mr. Lock reached maximum medical improvement on July 30, 2003, and the record indicates that Mr. Lock was restricted from work until at least that date. [T. 12]. Consequently, I find that the claimant is entitled to temporary total disability compensation for the period that he both remained within his healing period and was off work from June 8, 2003 until July 30, 2003.

I also find that Mr. Lock has also proven by a preponderance of the evidence that the treatment, surgery and therapy received for his volar compartment syndrome injury was reasonably necessary for treatment of that injury.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Employee-employer-carrier relationship in June of 2003, and at all pertinent times.

2. That this claim is controverted in its entirety.

3. That the claimant's average weekly wage is sufficient to entitle claimant to compensation rates of \$187/\$154, based on an average weekly wage of \$280.00.

4. Mr. Lock reached maximum medical improvement on July 30, 2003 for purposes of establishing his temporary total disability.

5. The claimant has proven by a preponderance of the evidence each of the elements necessary to establish the compensability of his volar compartment syndrome injury at issue in this case.

6. The claimant has established by a preponderance of the evidence that he is entitled temporary total disability compensation for the period from June 8, 2003 until July 30, 2003.

7. The claimant has proven by a preponderance of the evidence that the treatment, surgery, and therapy that he received for his volar compartment syndrome injury was reasonably necessary for treatment of that injury.

**AWARD**

The respondents are directed to pay benefits in accordance with the findings of fact set forth herein.

The claimant's attorney is entitled to a 25% attorney's fee on the indemnity benefits awarded herein, one-half of which is to be paid by the claimant and one-half to be paid by the respondents in accordance with Ark. Code Ann. § 11-9-715 and Death & Permanent Total Disability Trust Fund v. Brewer, 76 Ark. App. 348, 65 S.W.3d 463 (2002).

IT IS SO ORDERED.

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MARK CHURCHWELL  
Administrative Law Judge