

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F701887

JESSE RODGERS, EMPLOYEE	CLAIMANT
TRANSCO LINES, INC., EMPLOYER	RESPONDENT
RETENTION MANAGEMENT SERVICES, CARRIER/TPA	RESPONDENT

OPINION FILED NOVEMBER 15, 2007

A hearing was held before ADMINISTRATIVE LAW JUDGE CHANDRA HICKS, in Russellville, Pope County, Arkansas.

Claimant was represented by THE HONORABLE J. MARK WHITE, Attorney at Law, Bryant, Arkansas.

Respondents were represented by THE HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held in the above-styled claim on September 26, 2007, in Russellville, Arkansas. A Prehearing Order was entered in this case on July 30, 2007. This Prehearing Order set forth the stipulations offered by the parties and the issues to be litigated, as well as the parties' respective contentions.

Stipulations

By agreement of the parties, the stipulations applicable to this claim are as follows:

1. The Arkansas Workers' Compensation Commission has jurisdiction of the within claim.
2. The employee-employer relationship existed at all relevant times, including February 7, 2007.

3. The claimant's average weekly wage was \$682.32 per week entitling him to weekly temporary total disability benefits of \$455.00 and weekly permanent partial disability benefits of \$341.00.

4. The claim has been controverted in its entirety.

ISSUES

By agreement of the parties, the issues to be presented at the hearing were as follows:

1. Compensability of the claimant's alleged gradual onset left foot and leg injury on February 7, 2007.

2. Whether claimant is entitled to medical benefits.

3. Whether claimant is entitled to temporary total disability compensation from February 11, 2007, until a date yet to be determined.

4. Controverted attorney's fee.

5. Claimant reserves all other issues, including the issues of rehabilitation and permanent disability benefits.

CONTENTIONS

The claimant contends that he was an employee of the respondent-employer in January 2007, on which date he gradually developed tarsal tunnel syndrome in his lower extremity as a result of rapid repetitive motion in the course and scope of his employment; that he is entitled to medical treatment; that he is entitled to temporary total disability benefits from February 11,

2007, through a date yet to be determined; and that he is entitled to attorney's fees as provided by law.

Respondents contend the claimant has not suffered a compensable gradual onset injury as is defined by the Arkansas Workers' Compensation Act. As such, it is respondents' position that they are not liable for benefits associated with claimant's medical condition.

The documentary evidence submitted in this case consists of the Commission's Prehearing Order of July 30, 2007, which has been marked as Commission's Exhibit No. 1. The Commission's letter of September 18, 2007, was marked as Commission's Exhibit No. 2. The claimant's response filing to the Prehearing Questionnaire was marked as Commission's Exhibit No. 3. The respondents' response filing to the Prehearing Questionnaire was marked as Commission's Exhibit No. 4. The Commission's letter dated November 7, 2007 to claimant's attorney, the claimant's attorney letter of November 8, 2007, the court reporter's corrected cover sheet for Dr. Cruel's deposition, and the claimant's post-hearing letter brief are hereby incorporated by reference, as these have been blue-backed and marked as Commission's Exhibit No. 5. A medical packet submitted by the claimant was marked as Claimant's Exhibit No. 1. E-mails of Sandy McDonald were marked as Claimant's Exhibit No. 2. Payroll records were marked as Claimant's Exhibit No. 3. Claimant's deposition of Dr. Cruel was marked as Claimant's Exhibit No. 4.

The respondents' Medical Packet was marked as Respondents' Exhibit No. 1. The respondents' non-medical packet was marked as Respondents' Exhibit No. 2.

The following witnesses testified at the hearing: the claimant, Sandy McDonald, Thomas Hanks, and Allen Massey.

DISCUSSION

The claimant, age 28 (7/26/79), testified that he had worked for the respondent employer as a long-haul truck driver for roughly three or four months (since October of 2006). He has his GED and some vocational training, but no college hours. The claimant essentially admitted to having worked for various companies driving long haul.

As of the date of the hearing, the claimant testified he is not currently working due to his foot. According to the claimant, he rarely leaves his house because of his foot, as it swells whenever he walks on it or fails to keep it elevated. The claimant admitted to being discharged from Transco. He testified that if his foot allowed him to do so, he would return to some other job driving a truck. The claimant maintains that there is nothing else preventing him from returning to work as a truck driver other than his foot. According to the claimant, he was discharged in mid-February, and is asking for benefits beginning on February 11, 2007.

As to his injury, the claimant testified he was in a traffic jam in New York around January 7th, at which point he felt a little

discomfort in his foot, but did not think anything about it. The claimant described the discomfort as tingling and a little soreness. However, he testified that the next day when he woke up, he could not walk on his foot because it was swollen twice its size and was purple. The claimant testified the pain was concentrated at the inside of the ankle around the edge. He specifically described it as being on the top part of his ankle going down into his foot. He denied being able to put weight on his foot or touch it. According to the claimant he was coming from New York going to Pennsylvania when this occurred.

The claimant essentially testified the next day he had difficulty performing his job duties and required the assistance of his girlfriend, Sandy (McDonald). According to the claimant, when backing up, he had to use the trolley brake. He denied being able to walk. The claimant testified he next went to Eastover and picked up a load that was going to Little Rock. He admitted to calling Tom to get directions because he could not find the place. According to the claimant, after finding the place, they took the load and drove to a truck stop in Harrisburg, Pennsylvania. He testified he shut down for a few days until the swelling in his foot went down and so that he could walk. The claimant testified that he got some Tylenol and basically laid in the bunk for three days. He testified he stopped in Virginia a few hours down the road because his foot was hurting again.

The claimant testified:

Q. And then just tell us generally what happened over

the next few days.

A. Well over the next few days we got the load to Little Rock and everything. And I was just taking my time. My foot started feeling better, and I just thought something had happened to it, and it was no big deal. So I continued working.

The claimant denied that his foot ever completely recovered, as he maintains that he continues with tingling in it and some swelling and soreness.

The claimant admitted to first seeking treatment for his foot from King's Daughter's Hospital on February 6th or 7th. The claimant testified that Sandy called Tom and told him what was going on. The claimant admitted to next seeing his family doctor, Dr. Sigrest. He admitted to being referred to Dr. Ezzeh, a podiatrist and then to Dr. Cruel, another podiatrist, who does more in the area.

The claimant admitted that the electrode nerve test, which has been recommended by Dr. Cruel had not been performed as of the date of the hearing because he was terminated and did not have the money to pay for it and his claim was denied by workers' comp. He denied having any other treatment or testing on his foot.

The claimant testified he did not start to think his injury was work-related until Sandy talked to Tom (Hanks) and he mentioned that it might be work-related, which was in February and after he had gone to the emergency room. According to the claimant, he waited until February to seek treatment because he did not think it was anything because the pain was getting less and the color was

coming back, as there was hardly any swelling; but then it just all came back again suddenly over the course of three or four hours. The claimant denies that there was any incident or accident that precipitated it.

With respect to the traffic jam, the claimant testified:

A. The traffic was stop and go. You would move the truck maybe 10 feet, then stop, wait, you know, a few minutes, move the truck 10 feet, you know, for miles. That lasted three, four hours. I sent messages to the dispatch all along the time saying what was going on.

According to the claimant, in a typical 10-minute period, he would press down or use his left leg roughly three to six times. The claimant testified this would be approximately 36 to 72 times per hour of holding the clutch in and letting off pressure on it the entire time. The claimant denied any breaks during this traffic jam. He testified it was stop and go because there were accidents and snowy conditions. He also testified that this traffic jam lasted for two hours.

The claimant testified he continues with tingling and swelling, and whenever he walks, it starts to hurt, throb and really swell. He testified a typical day for him is sitting in a chair at home, as he usually leaves the house maybe only three times a month due to his foot.

The claimant testified he lives with his parents and never really considered getting a house because he was a truck driver for so long. He denied having worked anywhere since his termination by the respondent-employer, except for the two days he drove for his cousin, which was approximately seven to eight months ago.

According to the claimant, after this he stayed in bed for two to three days after because he could not walk. The claimant testified he believes he is unable to drive due to this experience.

On cross examination, the claimant essentially admitted to testifying on direct that his injury occurred on January 7th. However, he also admitted to having stated during his deposition that his injury occurred on the 8th or the 9th. The claimant essentially testified he was certain that the date of his injury was the 7th due to the Qual-Comm messages he had received from respondents. The claimant admitted during his deposition testimony to have stated the incident took place during rush hour, but he admitted that it was not rush hour. He also admitted to having testified on direct that the incident lasted three to four hours, and to having given deposition testimony that the incident lasted two and a half to three hours. The claimant admitted to talking with dispatcher, Tom Hanks, to get directions, but he was not sure if he mentioned his foot during the conversation. According to the claimant, when he woke the next morning, he thought maybe he had sprained his foot.

He admitted to having testified during his deposition that he believed he had sprained his foot or L.J., his dog, which is a black lab, had gotten in bed and slept on it. The claimant admitted that the procedure for reporting a work-related injury is to let your dispatcher know. However, he admitted to not doing this because he believed it was a minor sprain. The claimant admitted to being in his bunk for three days and not reporting this

to dispatch because he believed his foot was getting better.

The claimant admitted once he back in Little Rock from Harrisburg, he did not report any injury. He further admitted to going back on the road for several weeks before going to the emergency room. The claimant testified that before going to emergency room, Sandy called and left a message for respondent on their answering machine. The claimant testified he currently takes Tylenol and aspirin for his foot, and he admitted at the time of his deposition he testified he was not on any medication. He admitted Sandy may have told Tom he had the flu while they were in Pennsylvania because he might have been running a fever and not feeling well. The claimant admitted that when he went to King's Daughter's Hospital, he did not mention anything about traffic or his injury being work-related.

The claimant admitted to sending a transmission via Qual-Comm stating that he had come to the conclusion that he and Transco were not compatible. The claimant admitted to being mad because had 4,300 miles and his paycheck was only \$200.00, but he denied having officially quit at that time.

The claimant admitted to having completed the Form N wherein he stated that the accident happened on February 7th at 8:00 a.m. However, he admitted that the time was not correct.

On redirect examination, the claimant testified:

Q. Jesse, why did you put February 7th on that form?

A. Because that is the day we went to the emergency room.

Q. Now let me show you the medical record. We have this record from the emergency room. Look at page one of Claimant's Exhibit 1, and it shows the admit date of February 11th, 2007?

A. Right.

Q. Now February 7th would be a couple of days before then.

A. Right.

Q. Can you explain the difference between that date and this date?

A. No, I can't. Sandy might can. She actually filled this out, and I signed it.

Q. So Sandy filled out that form?

A. Yes.

On re-cross examination, the claimant admitted that when he went to King's hospital, he filed the visit on his personal insurance, but later found out he did not have coverage.

Upon being questioned by the Commission, the claimant testified:

Q. At what point did you connect your foot injury to the incident with the traffic?

A. Because that's whenever it first -

Q. I said when did you make the connection that it was possibly related to the incident where you were caught in the traffic?

A. The next day after the traffic accident because my foot was swollen at that time.

Q. But you didn't report it to anyone?

A. I just thought it was a sprain.

Q. And this happened on January 7th?

A. Yes, ma'am.

Q. And when did you first report it as being work-related?

A. Whenever I went to see Ms. Ezzeh.

Q. And what date would that have been on or about?

A. That would have been about February the 12th through the 14th.

Sandy McDonald, the claimant's girlfriend, also gave testimony during the hearing. She testified the claimant's injury occurred on January 7th after being in a traffic jam for two or three hours, which resulted from his use of the clutch in stop and go traffic. She testified that afterwards, they found a resting place in Pennsylvania. According to Ms. McDonald, the claimant initially felt some discomfort, but the next morning his foot was blue and swollen and he could barely walk. She also admitted the claimant was running a fever.

Upon being questioned about the accident date being listed as February 7, 2007, Ms. McDonald was unsure, but explained the basis for that date may have been due to the claimant having gone to the emergency room around the 11th or 7th.

Ms. McDonald admitted to telling Tom the day after the traffic jam that the claimant had the flu and something seriously wrong with his foot, as it was blue and swollen.

According to Ms. McDonald, before going to the emergency room, she talked to night dispatch and told them about the claimant's foot. She admitted that at this point, she did mention that this

was a work-related injury because they did not know what was going.

Thomas Hanks, a fleet manager, for the respondent gave testimony during the hearing. He admitted to being the claimant's supervisor. He testified he was made aware the claimant was making a workers' comp claim shortly after the claimant made an emergency room visit and found out his insurance was not in effect. He denied having any knowledge the claimant was having foot problems prior to this time. He essentially admitted that around January 7th, 8th and 9th, the claimant complained of flu-like symptoms, but he denied receiving any complaints about his foot. He also denied having told the claimant or Sandy that he thought the claimant may have a workers' comp claim.

With respect to the claimant's insurance coverage, he testified the claimant had not been with the company long enough to have coverage. Mr. Hanks also admitted to previously being a truck driver for 15 years and to having driven a truck similar to the one that the claimant drove.

Allen Massey, director of safety and risk management, for the respondent gave testimony during the hearing. He testified he did not learn the claimant was making a workers' comp claim until February 14th, at which point he received a call from Sandy. He essentially admitted that on January 7, 2007, he received a message from the claimant stating that interstate 40 was shut down, at which point the claimant was located in New Johnsville, Tennessee. He later testified this information was based on information received from the Qual-Comm system, which shows where the truck is

at any given point in time.

The claimant was called as a rebuttal witness. The claimant denied being in Tennessee in a traffic jam. He admitted that interstate 40 does not run up to New York.

Ms. McDonald was also recalled as a rebuttal witness. She gave the following testimony:

Q. Sandy, I'm going to show you the Qual-Comm sheets we've been looking at all day. I'm going to refer you back to the entry on January 7th at 17:50. Can you read just before that, please?

A. In back up. Been here for two hours. 40 shut down.

Q. Did you write that, or did Jesse write that?

A. I did.

Q. Do you remember what state you were in when you wrote that message?

A. 40, it would have to be Tennessee or Virginia. I don't really remember.

Q. You're not sure where you were at?

A. No. It's on 40.

A review of the medical evidence shows that the claimant initially sought treatment for complaints of pain and swelling of the left foot from King's Daughter's hospital on February 11, 2007.

Medical notes demonstrates the following with respect to Chief Complaint, "C/O swelling and pain in left foot x 2 days same thing happened 3 weeks ago & pt did not see MD no injury." The claimant was diagnosed with a sprain. The medical examiner's

impression was metatarsalgia of the left foot. The claimant was directed to put ice packs on every two hours for the next 72 hours and follow-up with his primary care physician. X-ray of the claimant's foot revealed the following impression, "Mild degenerative joint disease articulation of the sesamoid and the distal first metatarsal."

The claimant saw Dr. Marion Sigrest on February 15, 2007, at which time he complained of left foot pain that had been going on for the past three weeks. Dr. Sigrest reported, in pertinent part, "... Patient is a truck driver. He is using that left foot a lot to push down on the clutch. States he woke up Sunday morning with pain and swelling...." Dr. Sigrest also noted that the claimant reported no past history of injury to his left foot. He further noted that the claimant had no swelling or redness. Dr. Sigrest instructed the claimant to elevate his foot for any swelling and excused him from work for that day and the following day. He released the claimant from his care and referred him to a podiatrist, Dr. M. Ezzeh, for further evaluation.

On February 20, 2007, the claimant was seen by Dr. Mary Ann B. Ezzeh. She directed the claimant to stay off of his foot until he could be seen by Dr. Cruel for care of his foot. She diagnosed the claimant with "tarsal tunnel syndrome." She noted that this is a overuse syndrome which is similar to carpal tunnel syndrome.

The claimant saw Dr. Larry Cruel on February 22, 2007, due to complaint of left foot pain. The claimant reported having

received a Decadron shot about two weeks ago at the emergency room, but by the second day afterwards he could not walk. The claimant related being a truck driver and having had someone come to pick his truck up and drive it back to Arkansas because he was unable to do so. His assessment was, "tarsal tunnel syndrome; metatarsalgia; bursitis (acute); and pedal edema," for which he administered a local steroid injection to the left foot. Dr. Cruel also referred the the claimant to Yazoo Hospital for a nerve conduction study of the left lower extremity for possible tarsal tunnel syndrome.

In a letter dated July 10, 2007, the claimant's attorney requested the following information from Dr. Cruel, he gave the following responses on or about August 16, 2007.

I represent Mr. Rodgers in his claim for workers' compensation benefits. Please give your very helpful staff my thanks for their assistance in obtaining your treatment records regarding Mr. Rodgers.

The insurance company refuses to authorize any more treatment for Mr. Rodgers' foot condition. If you could answer the questions below and return them to me by fax as soon as possible, it would greatly help us in resolving this claim and getting Mr. Rodgers the treatment he needs.

Please consider the following history in answering these questions. Mr. Rodgers is an over-the-road truck driver. In January 2007, Mr. Rodgers was in his truck in Pennsylvania, stuck in a large traffic jam. Because of the traffic, he had to repetitively work the truck's shift with his left foot. The day after this incident he could not walk because of his foot pain. He had no problems with his foot prior to this incident.

1. Is it probable that Mr. Rodgers' left tarsal tunnel syndrome was aggravated by this one day's repetitive use of his left foot to operate the truck's shift?

bursitis is similar to inflammation and swelling in the forefoot area, and the pedal edema is swelling. Dr. Cruel described the forefoot as being from the arch to the ball of the foot. He admitted this is where the claimant was swollen.

Dr. Cruel testified the claimant was swollen throughout the entire left foot and ankle area, or just underneath, but he denied any discoloration. He admitted that tarsal tunnel syndrome is not caused solely by repetitive action, as other possible causes could include diabetes, arthritis, trauma, a fracture, or from repetitive trauma. He admitted the claimant's foot condition could have resulted from the dog having slept wrong it.

With respect to the claimant's diagnosis of tarsal tunnel, Dr. Cruel testified he attributed objective findings of swelling, burning, tingling, and pain to this diagnosis. He clarified his position regarding metatarsalgia. Dr. Cruel testified:

Q. First, I think there was some confusion earlier regarding Metatarsalgia, so let's see if we can clear that up. Would it be fair to say that Metatarsalgia is the term for...the general term for the clinical signs that are manifested from Tarsal Tunnel Syndrome?

A. It could be manifested from others in these processes as well. It's just a general term for soreness and pain and tenderness of that part of the foot.

Q. All right, so they're two (2) separate diagnoses. One refers to the signs and one refers to the cause of the signs, is that fair to say?

A. Yes.

Dr. Cruel testified he is recommending that the claimant

undergo a nerve conduction study in order to get a better idea as to where specifically the Tarsal Tunnel Syndrome is, assuming the claimant is still having symptoms. He testified the other treatment would be for the claimant to have a steroid injection, as he is already on an anti-inflammatory.

As to causation, Dr. Cruel gave the following testimony:

Q. Let me kind of outline for you the factual situation. We took Mr. Rodgers' deposition and from that, and from reviewing some of the documents, he's been able to kind of reconstruct what happened. So let me recite this scenario to you.

A. Okay.

Q. All right. I anticipate he's going to say that he was in a traffic jam, the first part of January, for two and a half (2½) to three (3) hours. That he was repeatedly holding down and letting up on his clutch for that entire period of time. That towards the end of that two and half (2½) to three (3) hours, he began to have some pain and some swelling. It was worse the next day. In fact I believe he'll say that he could not walk the next day. And I believe he will say that it gradually got a little better, but then it grew worse again in February, which led him to go to the emergency room on February 11th. Now Doctor, based on the facts I've just recited to you, would any of that change your opinion about the causation of his Tarsal Tunnel Syndrome?

A. No.

Q. And Ms. Wood had mentioned a dog sleeping on his foot. If Mr. Rodgers were to say that the dog slept on his foot the night before. He had no problems the next morning, but the pain and swelling began after this traffic jam. Would you consider that fact to be significant?

A. I don't think if the dog slept on his foot, and he didn't have any problems after that, I wouldn't say that would be a contributing factor, no.

According to Dr. Cruel, you would expect to exert more

pressure on the foot by repeatedly pressing down a clutch than having a dog sleeping on your foot. He also testified that of the two things, you would expect the repetitive action to have greater impact on aggravating the Tarsal Tunnel Syndrome.

Dr. Cruel testified:

Q. All right. And Doctor, considering the facts we've discussed and the scenario we've discussed, including the fact that the symptoms began in January, receded somewhat, and then resumed in February, what is your opinion as to what primarily caused, or aggravated, the Tarsal Tunnel Syndrome?

A. Again the repetitive action.

Q. Would you say that the repetitive action is more than fifty percent (50%) of the cause?

A. Yes.

Q. All right. And Doctor, the opinions you've given today, have you given these opinions within a reasonable degree of medical certainty?

A. Yes.

However, Dr. Cruel admitted that his opinion is based on the history that the claimant gave to him.

Dr. Cruel testified:

Q. Doctor, what part of his history would have to be different for you to change your opinion about the causation?

A. Again, I'm basing it upon the history on a repetitive action. I mean if he was a diabetic or if he had rheumatoid arthritis, but again I still feel that Tarsal Tunnel would have been aggravated by that repetitive action...I'm sure something else would have happened by now if he had some other underlying disease going on.

Q. Would it be fair to say that the key facts that underlie your opinion are that he had repetitive motion, with pain and swelling beginning shortly

thereafter, and within a couple of months of when he first sought medical treatment, are those the key facts?

A. Yes.

ADJUDICATION

"Compensable injury" is defined at Ark. Code Ann. §

11-9-102(4) (A) (Supp. 2005), provides in part:

(i) An accidental injury causing internal or external physical harm to the body. . . arising out of and in the course of his 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.

(ii) An injury causing internal or external physical harm to the body and arising out of and in the course of employment if it is not caused by a specific incident or is not identifiable by time and place of occurrence, if the injury is:

(a) caused by rapid and repetitive motion. Carpal tunnel syndrome is specifically categorized as a compensable injury falling within this definition.

Arkansas Workers' Compensation law further provides, compensable injury must be established by medical evidence supported by objective findings. Ark. Code Ann. § 11-9-102(4) (D). Furthermore, objective findings are those finding which cannot come within the voluntary control of the patient. Ark. Code Ann. § 11-9-102(16) (A) (i).

To establish a gradual onset injury other than carpal tunnel syndrome, the claimant is required to show that his work was rapid and repetitive and the major cause of his injury.

Based on the evidence as a whole, I find that the

preponderance of the credible evidence does not establish that the claimant sustained a gradual onset injury to his left foot and leg, while working for the respondent-employer.

Specifically, the instant claimant alleges he sustained a gradual onset injury to his left lower extremity while stuck in traffic on or about January 7th while traveling through New York.

However, Mr. Massey's testimony demonstrates that the claimant was in Tennessee on interstate 40 around this time, and Ms.

McDonald's Qual-Comm message corroborates the same. The claimant waited until February 11, 2007, almost some six weeks before seeking treatment for his alleged injury. At which point, he made absolutely no mention of a work-related injury. The claimant admits to attempting to file this on his personal insurance, but was unable to do so because he had not worked for the company long enough for his coverage to be in effect. Such action is completely inconsistent with a work-related claim. It was after he found out he did not have health care coverage that the claimant notified his employer of an alleged work-related injury. Although the claimant maintains that Mr. Hanks suggested he file this as a workers' comp claim, Mr. Hanks has credibly denied having suggested this action. In addition to this, when the claimant filed the Form N, he gave an accident date of February 7th rather than January 7th. Therefore, after having reviewed the evidence in this case impartially, without giving the benefit of the doubt to either party, I find that the claimant has failed to prove by a preponderance of the credible

evidence that he sustained a compensable gradual onset injury to his right leg within the meaning of the Arkansas Workers' Compensation Act.

While I realized that Dr. Cruel has opined that the claimant's injury resulted from his use of the clutch during a traffic jam, minimal weight has been attached to this opinion because it was based on inaccurate history given to him by the claimant.

Since the claimant failed to prove a compensable injury, he is not entitled to any temporary total disability compensation or medical benefits.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Arkansas Workers' Compensation Commission has jurisdiction of the within claim.
2. The employee-employer relationship existed at all relevant times, including February 7, 2007.
3. The claimant's average weekly wage was \$682.32 per week entitling him to weekly temporary total disability benefits of \$455.00 and weekly permanent partial disability benefits of \$341.00.
4. The claim has been controverted in its entirety.
5. The claimant failed to prove by a preponderance of the credible evidence that he sustained a compensable gradual onset injury to his left foot and leg during and in the course of his employment with the respondent.

ORDER

For the reasons discussed herein, this claim must be, and hereby is, respectfully denied.

IT IS SO ORDERED.

CHANDRA HICKS
Administrative Law Judge