

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
WCC NO. H201703**

<b>BARENICA BRIGHT, EMPLOYEE</b>	<b>CLAIMANT</b>
<b>VISKASE COMPANIES, INC., EMPLOYER</b>	<b>RESPONDENT</b>
<b>TRUMBULL INS. CO., CARRIER</b>	<b>RESPONDENT</b>
<b>THE HARTFORD, TPA</b>	<b>RESPONDENT</b>

**OPINION FILED JULY 5, 2023**

Hearing before Administrative Law Judge Steven Porch on June 9, 2023, in Jonesboro, Arkansas.

Claimant represented by Mr. Bill E. Bracey, Jr., Attorney at Law, Blytheville, Arkansas.

Respondents represented by Mr. A. Gene Williams, Attorney at Law, Little Rock, Arkansas.

**STATEMENT OF THE CASE**

A hearing was held on this claim on June 9, 2023. Claimant was represented by Mr. Bill E. Bracey, Jr., Attorney at Law of Blytheville, Arkansas; Respondents were represented by Mr. A. Gene Williams, Attorney at Law of Little Rock, Arkansas.

**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. An employer/employee relationship existed on February 21, 2020, when Claimant alleges she sustained a compensable injury to her left pointer finger and left middle finger.
3. Respondents have accepted this as a medical only claim and provided medical care until May 12, 2020.
4. The parties will stipulate to Claimant's average weekly wage and compensation rates on or before the hearing date.

### **ISSUES**

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

1. Whether Claimant sustained a compensable injury to her left pointer finger and middle finger.
2. Whether Claimant is entitled to any additional reasonable and necessary medical treatment after May 12, 2020.
3. Whether Claimant is entitled to temporary total disability, temporary partial disability, and permanent partial disability benefits (dates yet to be determined).
4. Whether the statute of limitations has run on Claimant seeking additional benefits.
5. Whether Respondent had proper notice of Claimant's injuries.
6. Attorney's fee.

All other issues are reserved.

### **CONTENTIONS**

Claimant's and Respondents' contentions are set out in their responses to the Prehearing Questionnaire. Said contentions are hereby incorporated by reference.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record as a whole, including medical reports, documents, and other matters properly before the Commission, and having had an opportunity to hear the testimony of the Claimant, the sole witness in this claim, and observe her demeanor, I hereby make the following findings of fact and conclusions of law in accordance with Ark. Code Ann. § 11-9-704 (Repl. 2012):

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.

2. The stipulations set forth above are reasonable and are hereby accepted.
3. The Claimant is not entitled to additional medical treatment for her cervical spine, left shoulder, arm, and hand.
4. Because the parties have not stipulated that Claimant sustained a compensable injury to her cervical spine, left shoulder, arm and hand or made such alleged injuries an issue in this claim, the Commission cannot address the remaining issues in this claim. Instead, these issues will be considered reserved.

### **CASE IN CHIEF**

#### **Summary of Evidence**

The sole witness at the hearing was the Claimant. In addition to the prehearing order discussed above, also admitted into evidence was Claimant's and Respondent's exhibits that were properly admitted before the Commission. Claimant suffered an injury, during the course and scope of her employment with Viskase Inc., when her left pointer and middle fingers got caught in the spring and clutch of an extrusion machine. The injury resulted in a cut to the former and a twist to her latter. This injury occurred on February 21, 2020. Claimant immediately went to the hospital after her injury and received a tetanus shot and was released to returned to work the same day. The extrusion machine did not jerk her body, in any way, when her fingers were caught or immediately removed from the spring and clutch of the machine. The only effect of the incident was on the Claimant's fingers. Respondents' accepted Claimant's injury to her left pointer and middle fingers as a medical-only claim. As the parties have stipulated, and I have accepted, these injuries were compensable.

Adjudication

- A. Whether Claimant sustained a compensable injury to her left pointer finger and middle finger.

Claimant has alleged that she suffered compensable injuries by specific incident to the above-cited body parts on February 21, 2020, while working on an extrusion machine. Since the parties have stipulated to this, there is no issue for me to address.

- B. Whether Claimant is entitled to any additional reasonable and necessary medical treatment after May 12, 2020?

The Claimant is asking the Commission for reasonable and necessary medical treatment for alleged injuries to her cervical spine, left shoulder, arm, and hand. The Claimant underwent a nerve conduction study, cubital and carpal tunnel surgical releases involving her elbow and wrist. For me to be able to address this issue, the parties must either 1.) have stipulated to the compensability of the alleged injuries or 2.) raised it as an issue regarding such. They have done neither. Therefore, I am not able to address this issue. Administrative Law Judges cannot legally raise issues *sua sponte*. See *Carthan v. School Apparel, Inc.* 2006 AWCC 182, Claim No. F410921 (Full Commission Opinion filed November 28, 2006) (improper for administrative law judge to address issues *sua sponte*); *Singleton v. City of Pine Bluff*, 2006 AWCC 34, Claim No. F302256 (Full Commission Opinion filed February 23, 2006), *rev'd on other grounds*, No. CA06-398 (Dec. 6, 2006) (unpublished)(same).

- C. Remaining Issues

Because of the foregoing, the remaining issues of whether Claimant is entitled to temporary total disability, temporary partial disability, permanent partial disability benefits,

whether and when did Respondents gave notice to the employer, and whether she is entitled to a controverted attorney fee, are moot and will not be addressed. Respondents also raised a statute of limitations argument. But considering the foregoing, this issue is also moot and will not be addressed.

**CONCLUSION**

In accordance with the findings of fact and conclusions of law set forth above, these claims are hereby denied and dismissed.

**IT IS SO ORDERED.**

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Hon. Steven Porch  
Administrative Law Judge