

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H500803**

**VERLENCIA D. GATEWOOD,
EMPLOYEE**

CLAIMANT

**TRINITY RAIL MAINTENANCE SVCS.,
EMPLOYER**

RESPONDENT

**ACE AMERICAN INS. CO.,
CARRIER**

RESPONDENT

OPINION FILED APRIL 1, 2026

Hearing before Chief Administrative Law Judge O. Milton Fine II on February 20, 2026,
in Jonesboro, Craighead County, Arkansas.

Claimant *pro se*.

Respondents represented by Mr. Jason M. Ryburn, Attorney at Law, Little Rock,
Arkansas.

STATEMENT OF THE CASE

On February 20, 2026, the above-captioned claim was heard in Jonesboro, Arkansas. A prehearing conference took place on December 1, 2025. A prehearing order entered on that date pursuant to the conference was admitted without objection as Commission Exhibit 1. At the hearing, the parties confirmed that the stipulations, issues, and respective contentions, as amended, were properly set forth in the order.

Stipulations

The parties discussed the stipulations set forth in Commission Exhibit 1. After an amendment of the second and fourth at the hearing, they read as follows:

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

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2. The employee/employer/carrier relationship existed among the parties from June 28, 2023, to June 4, 2024.
3. Respondents have controverted this claim in its entirety.
4. The parties will stipulate to Claimant's average weekly wage and compensation rates within 14 days after the hearing. In the event they are not able to do so, the issue concerning the valuation of these items will be considered reserved.¹

Issues

At the hearing, the parties discussed the issues set forth in Commission Exhibit

1. The following were litigated:

1. Whether Claimant sustained a compensable occupational disease in the form of a fungal infection that has affected her lower extremities.
2. Whether Claimant is entitled to reasonable and necessary medical treatment of her alleged compensable injuries.
3. Whether Claimant is entitled to temporary total disability benefits from June 3, 2023, to January 3, 2024.

All other issues have been reserved.

¹The parties did not submit such a proposed stipulation to me within the time allotted. Thus, pursuant to the stipulation as written, the issue of the valuation of Claimant's average weekly wage will be considered reserved.

Contentions

The respective contentions of the parties read:

Claimant:

1. Claimant contends that she sustained a compensable injury in the form of a fungal infection that started at the bottom of her feet and began to move up to her knees. The cause of this infection was her working conditions for Respondent employer, where she had to stand in rainwater that was contaminated by tobacco juice/saliva and animal feces.
2. Claimant further contends that she is entitled to reasonable and necessary treatment of her alleged injuries, along with temporary total disability benefits from June 3, 2023, to January 3, 2024.

Respondents:

1. Claimant did not suffer a compensable injury or occupational disease. She has not been taken off work by any medical professional, and is not entitled to temporary total disability benefits. It is unclear when the alleged rash developed; and, therefore, Respondents reserve the right to raise notice and statute of limitations as defenses.

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 Claimant and to 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. Respondents' motion to add an issue and contention concerning whether this claim is barred by the Doctrine of Laches is hereby denied.
4. Claimant's motion to amend Issue No. 3 to remove the date parameters set forth therein is hereby granted.
5. Claimant has proven by a preponderance of the evidence that that she sustained a compensable occupational disease under Ark. Code Ann. § 11-9-601 (Repl. 2012) in the form of a fungal infection, tinea corporis, that has affected her lower extremities.
6. Claimant has proven by a preponderance of the evidence that she is entitled to reasonable and necessary medical treatment of her compensable occupational disease. Moreover, she has proven by a preponderance of the evidence that all of her treatment therefor that is in evidence was reasonable and necessary.
7. Claimant has not proven by a preponderance of the evidence that she is entitled to temporary total disability benefits for any period.

PRELIMINARY RULINGS

Addition of Laches Issue and Contention

At the outset of the hearing, Respondents moved to add an issue and contention concerning whether the Doctrine of Laches bars this claim. Claimant objected, stating that she was just learning of this at the hearing. I took the objection under advisement.

As the Court of Appeals wrote in *Sapp v. Tyson Foods*, 2010 Ark. App. 517, 2010 Ark. App. LEXIS 549, “elementary principles of fair play” apply in Commission proceedings. I find that such an addition at that stage in the proceedings would unfairly prejudice Claimant; and it would violate “elementary principles of fair play.” After due consideration, Respondents’ motion is hereby denied.

Amendment of Temporary Total Disability Issue

In light of the parties’ amendment of Stipulation No. 2, I pointed out that the dates for which Claimant is seeking temporary total disability benefits do not completely line up with her tenure of employment with Respondent Trinity Rail Maintenance Services (“Trinity”). I suggested that date parameters be removed from the issue as stated, and that the issue be simply worded, “Whether Claimant is entitled to temporary total disability benefits.” The resolution of that amended issue would be simply whether Claimant proved that she was entitled to such benefits as a consequence of her alleged compensable injuries, and for what period(s). Claimant agreed to this proposal, and moved for such an amendment. Respondents objected, claiming unfair surprise similar to that cited by Claimant in response to the Doctrine of Laches issue. I took the objection under advisement.

After due consideration of this matter, I find that Claimant's motion is well-founded. It is hereby granted. Respondents came to the hearing prepared to defend against Claimant's claim for temporary total disability benefits. It would not violate "elementary principles of fair play" under *Sapp, supra*, to allow the amendment of Issue No. 3 as set forth above. Respondents' objection is thus overruled.

CASE IN CHIEF

Summary of Evidence

Claimant was the sole witness.

In addition to the Prehearing Order discussed above, the exhibits admitted into evidence in this case were Claimant's Exhibit 1, a compilation of her medical records, consisting of five numbered pages; Claimant's Exhibit 2, a color photograph of her left lower extremity; Claimant's Exhibit 3, a color photograph of her right lower extremity; Respondents' Exhibit 1, non-medical records, consisting of one index page and 15 numbered pages thereafter; and Respondents' Exhibit 2, a thumb drive containing video footage.

In addition, the transcript of the October 17, 2025, hearing on this claim has been incorporated herein in its entirety by reference.

Adjudication

A. Compensability

Introduction. Claimant has alleged that she contracted a compensable occupational disease as a result of her exposure to contaminated rainwater at her job for Respondent Trinity, and that this disease has affected her lower extremities. Respondents dispute this.

Standards. In defining this cause of action, Ark. Code Ann. § 11-9-601(e)(1)(A) (Repl. 2012) provides:

(A) “Occupational disease”, as used in this chapter, unless the context otherwise requires, means any disease that results in disability or death and arises out of and in the course of the occupation or employment of the employee or naturally follows or unavoidably results from an injury as that term is defined in this chapter.

A causal connection between Claimant’s job and the disease must be established by a preponderance of the evidence. *Id.* § 11-9-601(e)(1)(B). This standard means the evidence having greater weight or convincing force. *Barre v. Hoffman*, 2009 Ark. 373, 326 S.W.3d 415; *Smith v. Magnet Cove Barium Corp.*, 212 Ark. 491, 206 S.W.2d 442 (1947).

Evidence. Claimant is 41 years old, and a high school graduate. She also has a degree in painting and collision repair from a vocational technical school. Her testimony was that she went to work for Respondent Trinity in June 2023. The company maintains rail cars. That can consist of refurbishing old ones, and finishing new ones. She described her jobs there as follows:

And what I did, I started off prepping, like—yeah, prepping. So when someone would finish painting a car, I would then go over it and see anything that needed to be done or corrected. And so by the end of my career at Trinity Rail, I started painting the railcars. I would get in a lift and paint the top of a railcar, get on the top of it, paint the top of it, and get back on the side and go all the way down a 50-foot railcar.

The first part of her tenure there, which consisted of prepping the retouching, lasted from June 2023 until January 2024. At that point, she transitioned to actual painting of the railcars. Throughout the time that she worked at Trinity, she wore steel-toe work boots. This footwear was not water-repellant. During the 11 months that she worked there, Claimant had three pairs of boots; Trinity paid for two pairs, and she purchased one pair.

The testimony of Claimant was that during the time that she worked the touch-up job, she worked in an area of the Trinity building that had standing water. She gave inconsistent testimony in estimating the depth of this water; but she was adamant that on two occasions following a rain, it covered the toes of her boots. As a result, during this and other instances, her boots became soaked. Claimant related that her boots would become wet even when she switched to working in the dry paint booths because she still had to walk through the water in order to reach her station. She testified that when she got home each day, she placed the boots on a dryer. But while she was at work on a given day, once her boots became wet, she continued to wear them throughout her shift.

This problem with wet footwear was known among Claimant's co-workers at Trinity. To combat any effects on her feet from it, they advised her to soak her feet in Epsom saltwater before putting her boots back on.

In describing the source of the water, Claimant attributed it to rain. She described seeing water run down the walls of the building. But this water, according to her, did not remain pure. She stated that it contained, inter alia, rodent droppings, tobacco spit from her co-workers, and chemicals used in the painting of the railcars.

Shown the photographs that comprise her Exhibits 2 and 3, Claimant testified that they were taken on June 4, 2024. This was the same day that she first sought treatment for her alleged skin condition. The photographs are of her legs below the knee, and appear to depict a rash of some sort on each leg. Asked when this rash first appeared, Claimant responded that it was in January 2024, when she noticed it on the bottoms of her feet. At that point, it presented as small red bumps.

The following exchange occurred:

Q. Let me ask you this, Ms. Gatewood. Why do you think that this condition on your legs has anything to do with your job at Trinity?

A. Because I never had anything like that on my leg. Like I haven't—I never had any skin problems or anything. Even painting, like, I've always painted. I never had any skin problems with painting. And like I said, it started on my feet.

...

Q. Why do you think if you never got those body parts [her legs] wet that your body would be affected there?

A. Because the same thing that was on my—the bottom of my feet, and how the bottom of my feet were feeling. It wasn't an itch. It felt like I needed to go on the inside of my skin. The feeling, it was the same. They looked the same and they felt the same. And they were on my feet and they—it came to my legs. So I just figured it was the same thing.

Q. I mean, I'm looking here and I don't know what you were covered with. I'm show you the photographs [Claimant's Exhibits 2 and 3]. You've not testified that your pants were wet. You've not testified that the—that your socks were wet up that high. So I'm trying to figure out why you subjectively believe that these spots that are depicted in these photographs are caused from being in the water at Trinity.

A. Oh. Because the same spots that were on my leg were on my feet at first. They just wasn't—it just wasn't as much on my feet. They were just like little—small, little blotches on the bottom of my feet. And they were itching really bad. And when I started doing the Epsom salt, they would relieve, but the spots didn't go away. And then I started scratching my ankles. And then I started scratching my legs and I was seeing that it was moving. It seemed like the rash was just like in different—but it was still on my feet at the time, but it was just—it's like it was, I don't know. It was like growing or something. And it was—yeah, worse.

Shown a letter that was filed with the Commission on September 30, 2024, Claimant identified it as one she wrote. It describes, inter alia, her having a fungal infection due to her being in water at work. The following exchange took place:

Q. When did you first tell Trinity that you had this rash and that you believed it was related to work?

A. I'm not sure. I talked with the manager first. We just had the supervisor, a conversation. We had a conversation. I was just telling him about—and the first time we had the conversation, I was telling him about my feet. My feet were messed up. And it progressed to my legs and I told him about that. And then I told

him that it was like I couldn't barely stand it. And that's when I was told to see Mr. Brad.

Q. Do you know when any of that happened?

A. No, sir. I don't know the dates. I'm not sure about which date I approached him.

Later, Claimant stated that the above conversation would have taken place after March 2024.

Respondents cited to Claimant Ark. Code Ann. § 11-9-603(a)(2)(A) (Repl. 2012), and asked her if she was aware that she was required by the Act to give her employer written notice of her alleged occupational disease within 90 days after its "first distinct manifestation." She testified that she was not aware of this requirement.²

According to Claimant, she first treated for her leg condition when she saw Bernice Brown, APRN, at Compliance & Screening Services, LLC, on June 4, 2024. Brown prescribed her a topical cream of Clotrimazole 1%. Claimant obtained the medication and used it. Asked whether it helped, she replied in the affirmative.

The medical records in evidence include Claimant's visit to APRN Berniece Brown detailed above. The history portion of that report reads:

[Claimant] also reports that she has developed a rash to her lower extremities, and believes it was a result of rainwater that had accumulated in her boots. She has a red, scaly rash to her anterior lower legs. She

²Whether Claimant's claim is barred under this provision is not before me, because Respondents did not raise it as an issue. I do not have the authority to raise such an issue *sua sponte*. Moreover, I note that the Arkansas Supreme Court has held that such a defense is waived if not raised at or before the first hearing. See *Peerless Coal Co. v. Gordon*, 237 Ark. 152, 372 S.W.2d 240 (1963).

reports that it itches terribly and appears to be spreading as it had started on her feet and now has moved up her legs.

Brown examined Claimant and noted: “There is rash on the legs.” Thereafter, Brown assessed Claimant as having “Tinea corporis (B35.4)” and prescribed her Clotrimazole 1% topical cream.

On February 11, 2026, Claimant went to the Skin Dermatology Practitioner, a clinic in Jonesboro. Treating personnel assessed her as having Dermatitis Unspecified, and prescribed her Triamcinolone Acetonide 0.1% to apply to her legs.³

Discussion. Claimant was diagnosed by APRN Brown as having tinea corporis. I credit this finding. The Commission is authorized to accept or reject a medical opinion and is authorized to determine its medical soundness and probative value. *Poulan Weed Eater v. Marshall*, 79 Ark. App. 129, 84 S.W.3d 878 (2002); *Green Bay Packing v. Bartlett*, 67 Ark. App. 332, 999 S.W.2d 692 (1999).

Per DORLAND’S ILLUSTRATED MEDICAL DICTIONARY 1913 (30th ed. 2003) (hereinafter “DORLAND’S”), “tinea corporis” is also known by the popular name “ringworm.” It is a dermatophytosis usually caused by *Microsporum canis*, *Trichophyton rubrum*, or *T. mentagrophytes*—all of which are varieties of fungi. Fungi thrive in dark, damp conditions—such as, for example, a foot/ankle encased in a wet boot.

³This record provides in that Claimant is to apply the medication to “the affected areas on the neck.” However, the word “neck” is stricken in one of these two instructions, and the word “leg” is handwritten in its place. Claimant’s testimony was that she did not do this edit. She surmised that the reason for this is that she has also had a shoulder injury. But this makes no sense; her shoulder injury was not dermatological in nature.

For Claimant's tinea corporis to constitute an occupational disease under the Arkansas Workers' Compensation Act, it must be a disease that resulted in disability or death and arose out of and in the course of Claimant's employment. The evidence at bar establishes these elements. Claimant's testimony, which I credit, was that her work conditions included her boots—which were a part of her work attire, and which Respondent Trinity largely provided funding for—becoming wet at work due to their being submerged in standing water. The water accumulated due to rainwater leaking into the building where she worked. Claimant has shown by a preponderance of the evidence that there is a causal connection between her job at Trinity and her tinea corporis.

However, Claimant has one more hurdle to clear. In setting parameters concerning such a claim as the one at hand, the statute further reads:

An employer shall not be liable for any compensation for an occupational disease unless . . . [t]he disease is due to the nature of an employment in which the hazards of the disease actually exist and are characteristic thereof and peculiar to the trade, occupation, process, or employment and is actually incurred in his or her employment. This includes any disease due to or attributable to exposure to or contact with any radioactive material by an employee in the course of his or her employment[.]

Ark. Code Ann. § 11-9-601(g)(1)(A) (Repl. 2012). An occupational disease is characteristic of an occupation, process or employment where there is a recognizable link between the nature of the job performed and an increased risk in contracting the occupational disease in question. *Sanyo Mfg. Corp. v. Leisure*, 12 Ark. App. 274, 675 S.W.2d 841 (1984). Such diseases are generally gradual rather than sudden in onset. *Hancock v. Modern Indus. Laundry*, 46 Ark. App. 186, 878 S.W.2d 416 (1994).

Is tinea corporis, or ringworm, characteristic of the job that Claimant held at Respondent Trinity? In a word, yes. It was recognized that there was a problem among the employees in the vicinity of Claimant's workstation having wet footwear and its attendant problems due to the standing water. This is illustrated by Claimant's testimony—which, again, I credit—that co-workers advised her to deal with the problem by treating her feet with a solution of Epsom salts before re-donning her boots “[s]o that she would dry them [her feet] out.”

The fact that the general public might contract tinea corporis does not automatically bar it as an occupational disease under § 11-9-601(e)(3). Instead, the test is whether the nature of Claimant's employment exposed her to a greater risk of the disease than the risk posed to the general public or to workers in other jobs. See *Sanyo Mfg. Corp., supra*. Clearly, Claimant's risk of getting this particular type of ringworm was greater than those other groups. Thus, this particular provision in the Act does not prevent her from prevailing here.

The evidence establishes that Claimant developed tinea corporis from her job at Respondent Trinity, and it—due to the condition of her work boots made wet by workplace conditions—spread to her legs. In sum, she has proven by a preponderance of the evidence that she sustained a compensable occupational disease in the form of a fungal infection that has affected her lower extremities.

B. Reasonable and Necessary Treatment

Introduction. Claimant has alleged that she is entitled to reasonable and necessary medical treatment in connection with compensable lower extremity injuries.

Standards. Arkansas Code Annotated Section 11-9-508(a) (Repl. 2012) states that an employer shall provide for an injured employee such medical treatment as may be necessary in connection with the injury received by the employee. *Wal-Mart Stores, Inc. v. Brown*, 82 Ark. App. 600, 120 S.W.3d 153 (2003). But employers are liable only for such treatment and services as are deemed necessary for the treatment of the claimant's injuries. *DeBoard v. Colson Co.*, 20 Ark. App. 166, 725 S.W.2d 857 (1987). The claimant must prove by a preponderance of the evidence that medical treatment is reasonable and necessary for the treatment of a compensable injury. *Brown, supra*; *Geo Specialty Chem. v. Clingan*, 69 Ark. App. 369, 13 S.W.3d 218 (2000). What constitutes reasonable and necessary medical treatment is a question of fact for the Commission. *White Consolidated Indus. v. Galloway*, 74 Ark. App. 13, 45 S.W.3d 396 (2001); *Wackenhut Corp. v. Jones*, 73 Ark. App. 158, 40 S.W.3d 333 (2001).

As the Arkansas Court of Appeals has held, a claimant may be entitled to additional treatment even after the healing period has ended, if said treatment is geared toward management of the injury. See *Patchell v. Wal-Mart Stores, Inc.*, 86 Ark. App. 230, 184 S.W.3d 31 (2004); *Artex Hydrophonics, Inc. v. Pippin*, 8 Ark. App. 200, 649 S.W.2d 845 (1983). Such services can include those for the purpose of diagnosing the nature and extent of the compensable injury; reducing or alleviating symptoms resulting from the compensable injury; maintaining the level of healing achieved; or preventing

further deterioration of the damage produced by the compensable injury. *Jordan v. Tyson Foods, Inc.*, 51 Ark. App. 100, 911 S.W.2d 593 (1995); *Artex, supra*.

Discussion. I find that Claimant has proven by a preponderance of the evidence that she is entitled to reasonable and necessary medical treatment of her compensable occupational disease. Moreover, I have reviewed her treatment records that are in evidence, and I find that she has proven by a preponderance of the evidence that all of the treatment of it that is in evidence was reasonable and necessary.

C. Temporary Total Disability

Introduction. Claimant has also alleged that she is entitled to temporary total disability benefits as a result of her compensable occupational disease.

Standards. The disease has affected Claimant's lower extremities, and is thus scheduled in nature. See Ark. Code Ann. § 11-9-521(a)(4) (Repl. 2012). An employee who has sustained a compensable scheduled injury is entitled to temporary total disability compensation "during the healing period or until the employee returns to work, whichever occurs first" *Id.* § 11-9-521(a). See *Wheeler Const. Co. v. Armstrong*, 73 Ark. App. 146, 41 S.W.3d 822 (2001). The healing period ends when the underlying condition causing the disability has become stable and nothing further in the way of treatment will improve that condition. *Mad Butcher, Inc. v. Parker*, 4 Ark. App. 124, 628 S.W.2d 582 (1982).

Claimant must prove his entitlement to temporary total disability benefits by a preponderance of the evidence. Ark. Code Ann. § 11-9-705(a)(3) (Repl. 2012). Also, a

claimant must demonstrate that the disability lasted more than seven days. *Id.* § 11-9-501(a)(1).

Evidence. The following exchange occurred while Claimant was on the witness stand:

Q. Let me switch gears here and talk to you about your claim for temporary total disability benefits. Ms. Gatewood, in order to qualify for what are called temporary total disability benefits—and that's provided that I find that you suffered what's called a "compensable injury," and that's an injury that entitles you to workers' compensation benefits. The body parts you're claim injury to are to your legs.

A. Yes, sir.

Q. Your left and right lower extremities [are] what we call [them]. That's what's called a scheduled injury. And what that means is they're actually body parts that are listed in our statute. But the legal standard that entitles you to workers' compensation benefits is that you had to have been off work due to these injuries you're claiming and you didn't go back to work. My question to you [is] this. Were you off work because of this condition you're claim you had on your legs?

A. I was off work at Trinity Rail, but not at—I could go to any job and work.

Q. You could go to any job?

A. Yes, sir.

Q. Okay. Was the time period that you were working at Trinity, which again, it was from June 28 of 2023 to June 4 of 2024, were you ever off work because of your legs?

A. Just call in. Just being out from work, just from—

Q. How much time are we talking about? You got to give me dates.

A. Oh. I don't have the dates. I don't—but every day that I called in, it was for my legs. It was for—

Q. Do you have any idea how much you were off for?

A. We have ten points and I used all my points on that. So then days, more than ten days.

Q. But you don't have dates or anything?

A. No, sir.

Q. Okay. You were terminated, you said, on June 4 of 2024?

A. Yes, sir.

Q. Were you still going to work?

A. Yes, sir.

Claimant acknowledged that her medical records do not reflect that she was taken off work. After her termination, she was able to obtain a position at Wal-Mart.

Later, on cross-examination, she agreed that when she went for treatment for her legs on June 4, 2024, the person who treated her wrote that she could “work as tolerated without any restrictions.” However, it was Claimant's belief that this referenced the shoulder injury that was also being treated at that appointment.

It was Claimant's testimony that her skin condition rendered her unable to work between June and August of 2024 because she could not wear jeans. She added: “Like, that's the reason why I couldn't work at Trinity no more because I had to wear jeans.” However, she ultimately acknowledged that she was terminated from her position there on June 4, 2024, due to the excessive number of points she had

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accumulated. She denied that her termination was due to a positive drug test, even though she admitted that her drug screen was positive for marijuana.

Discussion. While Claimant claims that she had sporadic absences from her position at Trinity due to her compensable skin condition, she was not taken off work. This is shown by the fact that she did not seek treatment until the date of her termination, June 4, 2024. Moreover, while she numbers these absences as being ten or more, she cannot identify when they occurred. Finally, as she admitted, her medical records do not show that she was in fact taken off work because of the condition of the skin on her legs; and she further admitted that on the date of her termination, she was capable of working elsewhere. Based on the foregoing, I am unable to find that Claimant has met her burden of proving that she is entitled to temporary total disability benefits for any period.

CONCLUSION AND AWARD

Respondents are hereby directed to pay/furnish benefits in accordance with the findings of fact and conclusions of law set forth above. All accrued sums shall be paid in a lump sum without discount, and this award shall earn interest at the legal rate until paid, pursuant to Ark. Code Ann. § 11-9-809 (Repl. 2012). See *Couch v. First State Bank of Newport*, 49 Ark. App. 102, 898 S.W.2d 57 (1995).

IT IS SO ORDERED.

Hon. O. Milton Fine II
Chief Administrative Law Judge