

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H506026**

TERRY LOGGAINS, EMPLOYEE

CLAIMANT

VS.

MERCY HEALTH, EMPLOYER

RESPONDENT

MERCY HEALTH, INSURANCE CARRIER

RESPONDENT

OPINION FILED JUNE 10, 2026

Hearing before Administrative Law Judge, James D. Kennedy, on the 6TH day of April 2026, in Fort Smith, Arkansas.

Claimant is represented by Eddie H. Walker, Attorney at Law, Fort Smith, Arkansas.

Respondents are represented by Randy P. Murphy, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was conducted on the 6th day of April, 2026, where the claimant contended that she suffered a work-related injury to her left hip and left lower extremity on September 17, 2025, while performing employment services for the respondent/employer, and that claimant is entitled to the related medical in regard to the injury, and temporary total disability benefits from September 18, 2025, through the date of April 5, 2026. The claimant further contended that this claim has been controverted in its entirety and that therefore her attorney is entitled to an appropriate attorney fee.

The respondents denied the claim in its entirety and contended that the claimant did not sustain an injury within the course and scope of her employment. Respondents contended that the claimant was not performing employment services at the time of the

injury and further contended that the claimant has an extensive history of chronic numbness for her lower extremity along with bilateral foot drop. Additionally, respondents further contended that claimant's left femur and hip complaints were related to a pre-existing degenerative condition.

The parties stipulated that the Arkansas Workers' Compensation Commission has jurisdiction of the matter and that an employer/employee/carrier relationship existed on September 17, 2025. At the time of the hearing, the parties stipulated that the claimant was earning \$19.78 an hour based upon a twenty-four-hour work week. A copy of the Pre-hearing Order and the claimant's and respondent's Response to the Prehearing Questionnaire were made part of the record without objection.

The sole witness to testify was Terry Loggains, the claimant. From a review of the record as a whole, to include medical reports and other matters properly before the Commission and having had an opportunity to observe the testimony and demeanor of the witness, the following findings of fact and conclusions of law are made in accordance with Ark. Code Ann. §11-9-704.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Arkansas Workers' Compensation Commission has jurisdiction over this claim.
2. That an employer/employee/carrier relationship existed on September 17, 2025.
3. That the claimant satisfied the required burden of proof to prove by a preponderance of the evidence that she suffered a compensable work-related

break to her left femur and an injury to her left lower extremity while performing employment services for the respondent/employer.

4. That the claimant is entitled to reasonable and necessary medical benefits in regard to her compensable left hip and left lower extremity injury.
5. That the claimant was earning \$19.78 an hour based upon a twenty-four-hour work week and that her Temporary Total Disability benefits will be based upon these earnings.
6. That the claimant is entitled to Temporary Total Disability benefits from September 18, 2025, through the date of April 5, 2026.
7. That the claimant is entitled to attorney fees.
8. If not already paid, the respondents are ordered to pay for the cost of the transcript forthwith.

REVIEW OF TESTIMONY AND EVIDENCE

The Pre-hearing Order along with the Pre-hearing questionnaires of the parties were admitted into the record without objection. The claimant submitted one exhibit that was admitted into the record without objection consisting of 34 pages along with an index.

The respondent submitted two exhibits, one which consisted of 29 pages of emergency room medical records and discharge documents that was admitted without objection, and eight photographs of the area where the accident occurred, which was also admitted without objection.

The claimant, Terry Loggains, was the sole witness to testify and testified that she was employed by the respondent on September 17, 2025, and had worked for them for 22 or 23 years. She stated that on September 17, 2025, she went to the office and placed

her bag and stuff down and put her food in the refrigerator and then stated “I’ve got to go clock in” because she had a seven-minute window. She left and went downstairs to clock in, then turned around and came back up the ramp to the door, where she swiped her badge and fell at the door. She thought that she had been there less than 15 minutes at the time of the fall. She admitted that she used a cane and had been using a cane for several years after her back surgery with Dr. Foxx, due to constant pain in her back and was using the cane on September 17, 2025. She did not have the cane at the time of the fall because she only used it to come in and out of work. There were two or three levels of steps, and she used the cane to prevent falling at those levels. “And once I got in on a level-type area, I didn’t need it. I would go up and down stairs to the cafeteria. She used the cane to get from her vehicle to the office where she would then leave her cane. (Tr. 7-9)

In regard to clocking in she admitted that she was not good with directions or feet. She stated “You went out the door, made a few feet to your right. There was another hall, turn left. And then made another right at the top of the ramp. Went a few feet down. There was a badge monitor. You would clock in. It would open the door for you to go down. Then you make another right, go a few more feet, and clock in on the badge.” “I would say it would not be more than a block, a city block or less.” She stated that she was not having any problems with her hip after leaving her hip at the office and going to clock in. She also stated that she was not having any hip problems in the parking lot because it was a flat surface. She carried the cane because of the steps. (Tr. 10)

She stated that she had no reason to think that she had any issue with her hip or pelvis at the time she clocked in. Once she clocked in, she stated that “I turn around, go

eight feet, maybe, take a left and go up the ramp. There was a place where I could swipe my badge, opened the door and go up, take another left on a straight floor, take a right, and barely take the right and open the door to go into the office.” “The fall happened at the very front of the door in the middle of the ramp.” (Tr. 11) She described the door as a fire door. “It has got a big, metal handle that you push and the door is heavy. It is designed to block fire.” “They are weighted in order to block a fire from another section where it doesn’t spread into another.” To operate the door, “You have to click a badge that is mounted on a wall or - - they used to be open 24/7. We never had them shut, but there was a girl that came to work up there on the floor that cried and fussed and whined until she got somebody in administration or somebody somewhere to legally shut those doors 24/7 because she didn’t feel safe.” You would swipe the door on the right with your right hand and then pull the door with your left hand. (Tr. 12 – 14)

“I remember falling to my left and landing on my left hip and when I hit, the concrete ramp floor, I heard my leg break. I heard the snap and then the pain. And that is when I hollered for security because I knew I was in trouble.” She thought the floor was covered by commercial carpet on cement. When she hit the floor, she stated, “I felt it break” and had severe pain immediately. She also stated that she was not having any pain in her leg or hip prior to the fall. She admitted having surgery the next day due to her blood thinners and that she underwent rehabilitation. She also admitted that her doctor told her she could return to work on April 6. She also testified that she had not worked or earned any money from the time that she fell to April 6 and that she was totally off work. She planned on returning to work for Mercy the “coming week.” She admitted that she would be 80 years

old in July. She also agreed that her medical records provided she had osteoporosis but that the osteoporosis did not interfere with her ability to do her job. (Tr. 15 - 17)

She was not aware of having any specific medical restrictions. She admitted to previous falls and stated that they occurred for a reason, such as a hole. She told the story of dog and housesitting for her daughter and that she went down a hallway where her daughter had run an extension cord to a fan and that she tripped on the cord, and this happened two years ago this July. She went on to testify that she broke some toes, put a knot on her head, and blackened an eye. She also admitted that she had stepped in a hole on her way to the mailbox in her yard and she fell flat on her face. She also admitted to suffering from foot drop. Her son first noticed it while walking behind her and she testified that he was an “orthopedic doctor.” She admitted her medical records provided that she had foot drop but that the foot drop had never caused her to fall. (Tr. 18 -20)

Under cross examination, the claimant admitted that she parked in the rear of the building where she had parked for years and that she had been walking the same route. She admitted that she took her bags and food while using her cane and took these items to an office area or a break area where she would leave her stuff, and this was her normal routine. She agreed that she did not require her cane. She was questioned about Photo 1, which was the time clock and also about photo 2, and photo 3 which showed a slight incline or ramp, with the badge reader to the right. The claimant testified that she would have been facing the door and put her card “right there on the right” and then would have pulled back the door. Photo four showed a picture where she clocked in. The claimant was then asked if she had actually begun her job that day as communications and the claimant responded “No, I had just clocked in.” “As they say in Arkansas fixing’. I was just

fixin to go to work.” The claimant agreed that her schedule probably started at 6:45 a.m. but she couldn’t remember. She was then asked about actually clocking in at 6:43, a few minutes before her schedule and she responded that she had a seven-minute window to clock in. (Tr. 21 – 25) Under further questioning, she agreed that she never made it to work that day. She agreed that she used the handrail until she got to the scanner and denied having anything else in her hand. She stated she must have used the badge reader, or she would not have put her hand on the door. (Tr. 26) She continued that she would have scanned her badge at the scan reader and then grabbed the door. When questioned about why she fell, the claimant responded, “If I really knew, I would tell you.” She thought that she used her left arm to grab the door handle. She again stated that she fell on her left side. She denied remembering that her left leg gave out or her foot dropped or anything. (Tr. 27, 28) She responded in regard to this line of questioning, “I remember nothing. As far as I know, nothing happened that caused me to fall.” “I just remember falling and the pain.” She could not think of any medication that might have caused the fall. When questioned about what would have happened if she opened the door, she stated that she would have taken a few seconds to get to her workstation and would have been logging on. She agreed that she had not done anything employment-wise at the time of her fall. (Tr. 29) She agreed however that she was on time. She testified that her job consisted of answering the phone when doctors or patients call, like an answering service. (Tr. 30)

Under redirect, the claimant admitted that she had clocked in and that she would not have had a reason to be there except for her job, and that she was opening the door with her left hand and that she fell to the left. (Tr. 31)

Under recross she admitted that she also would not have been in the parking lot that morning unless she was going to work, unless she had been going to the pharmacy. She went on to testify “It couldn’t be nothing coming over me like a seizure or faintness spell because I don’t have them,” when asked if something came over her. (Tr. 32)

On redirect, she again stated the fall occurred after she was clocked in. (Tr. 33). Under additional questioning about the seven-minute window to clock in, the claimant testified that the reason for the seven-minute window was if you check in early, it is overtime, and if you clock in late you are docked. Under recross, the claimant stated that she did not know about overtime if she clocked in early, but “they don’t like it.” (#4, 35)

The claimant’s exhibits provided that the claimant, a 79-year-old female, at the time of the accident, presented to the Mercy emergency department suffering from a mechanical fall from walking up a ramp on September 17, 2025. The report further provided there was no head trauma or loss of consciousness. She suffered immediate pain to her left hip and leg and was unable to ambulate. An x-ray provided that the claimant suffered from an angulated oblique fracture involving the left femoral trochanter and proximal shaft. A CT of her head provided for no acute cranial process. Mild degenerative changes were noted involving her bilateral hips. The report mentioned the claimant’s bilateral foot drop and provided a finding of no acute osseous abnormality involving the right femur. (Cl. Ex. 1, P. 1 – 11)

An orthopedic op-note dated September 17, 2025, provided for the nailing of the femur due to a closed displaced fracture of the greater trochanter of the left femur. (Cl. Ex. 1, P. 12, 13) A Clinic Note dated September 17, 2025, provided that a CT of her head provided for no acute fracture. (Cl. Ex. 1, P. 14, 15) Discharge records also dated

September 17, 2025, provided that the claimant's discharge planning was complicated by an insurance denial of inpatient rehabilitation, but the claimant was ultimately approved for transfer to a skilled nursing facility for continued subacute rehabilitation and physical therapy. Physical therapy documented persistent left lower extremity weakness, impaired mobility, and a high fall risk with a gradual improvement in sitting and standing. (Cl. Ex 1, P. 16, 17)

A report from Ashton Place Physical Therapy provided a Discharge Summary for the period between September 30, 2025, through October 14, 2025, which showed that the claimant had made consistent progress with skilled interventions. (Cl. Ex. 1, P. 18 – 20) A report from Ashton Place Occupational Therapy for the period between September 30, 2025, through October 29, 2025, provided that the claimant was referred due to a mechanical fall on a ramp where she suffered a left femur fracture. The therapy was recommended due to the complexities and comorbidities that impact treatment such as age, multiple diagnosis, and the need for multiple therapies, pain severity levels, and the severity of functional limitations. (Cl. Ex. 1, P. 21 – 25)

Progress notes dated October 19, 2025, from Mercy River Valley Clinic, provided that there was good alignment and positioning of the femur with the fracture fragment aligned. (Cl. Ex. 1, P. 27 – 28) A report from Mercy Clinic Imaging Services dated October 29, 2025, provided x-rays of the left femur nailing looked excellent and that the claimant could progress to weightbearing. (Cl. Ex. 1, P. 29, 30) A progress note from Dr. Timothy Garlow dated December 15, 2025, provided that x-rays of the left femur provided for an excellent reduction of the long subtrochanteric fracture, and the hardware was without failure. The fracture could just barely be seen at the lateral cortex. (Cl. Ex. 1, P. 31) A

final imaging report dated February 18, 2026, provided that x-rays of the left femur showed that the femoral nail was in good position and that the fracture line could only slightly be seen along the lateral cortex. The report also provided that the claimant suffered from left shoulder arthritic pain. (Cl. Ex. 1, P. 32 34)

A “To Whom it May Concern” note dated March 30, 2026, from Dr. Timothy J. Garlow, of Mercy Clinic Orthopedics, provided that the claimant had been off work since September 17, 2025, and would return to work without restrictions on April 6, 2026, due to a fall with injury and a left hip fracture requiring surgery. Medical leave has been necessary to facilitate recovery, rest, pain control, physical therapy, and office visits. (Cl. Ex. 1, P. 26)

The respondent’s medical documents of record provided a report from the Mercy Hospital Emergency Room dated September 17, 2025, which provided the claimant suffered from a “rapid response fall in the pastoral area” while walking down a ramp. Under impression, the report further provided for a displaced fracture of the greater trochanter of the left femur and that the claimant was scheduled for a left femur nailing the following day. The records also included a copy of the CT scan and x-ray reports that mentioned a left knee arthroplasty and degenerative changes in the left hip as well as chronic low back pain with right sided sciatica, osteoarthritis of the left knee, foot drop, and generalized anxiety disorder. (Resp. Ex. 1, P. 1 – 20) A hospital discharge summary was also provided. (Resp. Ex. 1, P. 21 – 29)

The respondents Exhibit 2, consisted of eight photos of the area where the fall occurred and were submitted to assist the Commission in having a better understanding of the surroundings where the fall occurred. The photos showed the hallway ramp, the

rail, the door that the claimant was attempting to walk through, as well as the badge scanner and time clock used by the claimant at the time of the fall. (Resp. Ex, 2, P. 1-8)

DISCUSSION AND ADJUDICATION OF ISSUES

The claimant has the burden of proving by a preponderance of the evidence that she is entitled to compensation benefits for her injury under the Arkansas Workers' Compensation Law. In determining whether the claimant has sustained her burden of proof, the Commission shall weigh the evidence impartially, without giving the benefit of the doubt to either party. A.C.A. §11-9-704. Wade v. Mr. Cavanaugh's, 298 Ark. 364, 768 S.W. 2d 521 (1989). Further, the Commission has the duty to translate evidence on all issues before it into findings of fact. Weldon v. Pierce Brothers Construction Co., 54 Ark. App. 344, 925 S.W.2d 179 (1996).

In the present matter, there appears to be no significant issue as to the basic facts regarding the actions of the claimant leading up to the accident. The claimant, a long-time employee of the respondent and seventy-nine years old at the time of the accident, would park in the back of the building and would use a cane as she navigated some steps while carrying her bag into the building. Once in the building, she would leave her cane and bag in an office or break room and place the food in her bag into a refrigerator. She stated that she had a seven-minute window to clock in as required by the respondent. If she was early, the respondent employer was not happy and if she was late, her time was docked. She would leave the office or break room without her cane and bag, go clock in, and then turn and walk up an incline or ramp where she would swipe her badge with her right hand, open a fire door with her left hand, and then normally go past the door a very short distance to her workstation where she would log on. However, on the date of September

17, 2025, when she swiped her badge with her right hand and reached for the door with her left hand, she fell to her left which resulted in a break to her left femur and an injury to her left lower extremity. She admitted that she had not reached her workstation at the time of the fall and that she was “fixin to go to work.” She denied having pain in her left hip or left leg prior to the fall on September 17, 2025, and also denied suffering a seizure or fainting spell. She admitted to having preexisting conditions which were confirmed by her medical records and which showed that the claimant had received a left knee replacement and suffered from osteoarthritis, foot drop of both feet, along with other health issues.

The critical issue here is whether the claimant was performing employment services when the injury occurred. See Parker v. Comcast Cable Corp, 100 Ark. App. 400, 269 S.W.3d 268 (2010). The Commission is bound to examine the activity the claimant was engaged in at the time of the accident in determining whether or not she was performing employment services. Hill v. LDA Leasing, 2010 Ark. App. 271, 374 S.W.3d 268 (2010). In order for an accidental injury to be compensable, it must arise out of and in the course of employment. Ark. Code Ann. §11-9-102 (4) (A) (i). A compensable injury does not include an injury inflicted on an employee at a time when employment services were not being performed. Ark. Code Ann. §11-9-102(4)(B)(iii). An employee is performing employment services when he or she is doing something that is generally required by his or her employer. Cont'l Constr. Co. v. Nabors, 2015 Ark. App. 60, 454 S.W.3d 762. We use the same test to determine whether an employee is performing employment services as we do when determining whether an employee is acting within the course and scope of employment. Pifer v. Single Source Transportation, 347 Ark.

851, 69 S.W.3d 1 (2002). The test is whether the injury occurred within the time and space boundaries of the employment when the employee was carrying out the employer's purpose or advancing the employer's interest, either directly or indirectly. Even if the alleged injury took place outside the time or space boundaries of employment, "the critical inquiry is whether the interests of the employer were being directly or indirectly advanced by the employee at the time of the injury. Hudak-Lee v. Baxter County Reg. Hosp., 2011 Ark. 31, 378 S.W.3d 77. Moreover, whether an employee was performing employment services depends on the particular facts and circumstances of each case. Ctrs. For Youth & Families v. Wood, 2015 Ark. App. 380, 466 S.W.3d 422.

Here, with no real dispute as to the facts, we are faced with the application of the applicable law and the facts to determine if the injury occurred while performing work-related services. The claimant had clocked in as required by the respondent and then had to travel a short distance and open and walk past a fire door to reach her workstation a short distance behind the door where she would then log on. The claimant had a seven-minute window to clock in, and her time was docked if she clocked in after the window and she testified that the respondent would not be happy if she clocked in prior to the seven-minute window.

A hospital setting is replete with employees that are paid an hourly wage. These employees include office personnel as well as many of the care providers such as nurses and LPN's. It is common knowledge that hospitals are required to watch and control their budgets in order to maintain the services they provide, and accurately clocking in is a small but necessary requirement for assisting the hospital in this process. Accurately clocking in was required by her respondent employer. Consequently, the claimant was

clearly carrying out the respondent employer's purposes and advancing the respondent employer's interests when she clocked in within the seven-minute window at the location provided by the respondent and then engaging in the process to walk to her work-station when she fell at the fire door, which very likely existed due to other requirements that the hospital had to meet to satisfy its operating guidelines. It is apparent that the respondent employer clearly benefitted from the requirement that it's employee's clock in within the seven-minute window. See Williams v. Malvern School District and Arkansas School Boards Association, 2025 Ark. App. 208, 712 S.W.3d 739. Based upon the facts of record, the preponderance of the evidence in the present matter demonstrates that the claimant was directly or indirectly advancing the interests of the respondent employer when she clocked in and then walked to the fire door to open it and go to her workstation on the date of September 17, 2025. Thus, although the claimant had not reached the workstation where she would spend most of her day, this is not fatal to her claim under Hudak-Lee, supra. Consequently, the claimant suffered a compensable work-related injury. The evidence shows that the injury is identifiable by time and place of occurrence, that its existence is supported by objective medical findings, and that it caused internal physical harm to the claimant's body which required medical services.

Since the injury was in fact compensable, the claimant is entitled to reasonable and necessary medical treatment and temporary disability. A.C.A. §11-9-102 (4) (F) (i). The law is clear that employers must promptly provide medical services which are reasonably necessary for treatment of compensable injuries. A.C.A §11-9-508 (a). All of the treatment for her compensable left leg injury that is in evidence is found to be reasonable and necessary. It is noted that the testimony and the medical evidence

provided that the claimant suffered from various arthritic and degenerative conditions along with other medical issues prior to the fall at the door. The law is clear that a pre-existing disease or infirmity does not disqualify a claim if the employment aggravated, accelerated, or combined with the disease or infirmity to produce the disability for which the compensation is sought. See Nashville Livestock Commission v. Cox, 302 Ark. 69, 787 S.W.2d 864 (1990); Conway Convalescent Center v. Murphee, 266 Ark. 985, 585 S.W.2d 462 (Ark. App. 1979); St. Vincent Medical Center v. Brown, 53 Ark. App. 30, 917 S.W.2d 550 (1996). The employer takes the employee as it finds him. See Murphee, supra.

In regard to temporary total disability, an employee who suffers a compensable scheduled injury is entitled to temporary total disability compensation “during the healing period or until they return to work, whichever comes first. Ark. Code. Ann. §11-9-521 (a). Conspicuously absent from the statute is any indication that the injured employee shows an incapacity to earn wages as a requirement for receiving temporary benefits. See Wheeler Const. Co. v. Armstrong, 73 Ark. App.146, 41 S.W.3d 822 (2001). Here, the claimant suffered a scheduled injury when she suffered a closed oblique fracture involving her left femoral trochanter along the proximal shaft with medial angulation of the left femur, which required surgery and the placement of a nail for its repair and healing. The healing period ends when the underlying condition causing the disability has become stable and nothing further in the way of treatment will improve the condition. Mad Butcher Inc. v. Parker, 4 Ark. App. 124, 628 S.W.2d 582 (1982). Because of her injury, the claimant did not return to work during this period. Dr. Gallow opined on March 30, 2026, that the medical leave had been necessary to facilitate recovery, rest, pain control,

physical therapy, and office visits, and that the claimant would return to work April 6, 2026, without restrictions. Consequently, the claimant is entitled to temporary total disability from the day after the injury through the date of April 5, 2026, due to returning to work on April 6, 2026.

After reviewing the evidence impartially, and without giving the benefit of the doubt to either party, it is found that the claimant has satisfied the required burden of proof to prove by a preponderance of the evidence that she was performing employment services at the time of the injury and consequently the claim is compensable. In addition, the claimant is found to be entitled to reasonable and necessary medical and temporary total disability from the date following the injury up to April 6, 2026, and attorney fees. If not already paid, the respondents are ordered to pay for the cost of the transcript forthwith.

IT IS SO ORDERED.

JAMES D. KENNEDY
Administrative Law Judge