

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
WCC NO. H406510**

SHARON J. MANTOOTH, EMPLOYEE

CLAIMANT

**ST. BERNARDS VILLAGE, INC.,
SELF-INSURED EMPLOYER**

RESPONDENT

**RISK MGMT. RESOURCES,
THIRD-PARTY ADM'R**

RESPONDENT

OPINION FILED JUNE 18, 2026

Hearing before Chief Administrative Law O. Milton Fine II on April 17, 2026, in Jonesboro, Craighead County, Arkansas.

Claimant represented by Ms. Kathleen K. Talbott, Attorney-at-Law, Wynne, Arkansas.

Respondents represented by Mr. S. Shane Baker, Attorney-at-Law, Jonesboro, Arkansas.

STATEMENT OF THE CASE

On April 17, 2026, the above-captioned claim was heard in Jonesboro, Arkansas. A prehearing conference took place on September 22, 2020. The Prehearing Order entered on September 23, 2020, pursuant to the conference, was admitted without objection as Commission Exhibit 1. At the hearing, the parties confirmed that the stipulations and issues, and respective contentions, as amended, were properly set forth in the order.

Stipulations

At the hearing, the parties discussed the stipulations set forth in Commission Exhibit 1. With the amendment of the third stipulation, they are the following, which I accept:

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1. The Arkansas Workers' Compensation Commission (the "Commission") has jurisdiction over this claim.
2. The employee/self-insured employer/third-party administrator relationship existed among the parties on February 6, 2024, and at all other relevant times.
3. Claimant's average weekly wage of \$504.66 entitles her to compensation rates of \$336.00/\$252.00.
4. Respondents have controverted this claim in its entirety.

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 injury by gradual onset to her left shoulder.
2. Whether Claimant is entitled to reasonable and necessary medical treatment of her alleged compensable injury.
3. Whether Claimant is entitled to temporary total disability benefits.
4. Whether Claimant is entitled to a controverted attorney's fee.

All other issues have been reserved.

Contentions

The respective contentions of the parties read as follows:

Claimant:

1. Claimant contends that her present condition is caused by an injury to her left arm that she sustained from lifting buckets of ice over her head to dump into a machine. She further contends that because this injury was caused by duties at work and during the course of her employment, she is entitled to an award based on her temporary total disability, medical expenses incurred and future medical expenses, plus mileage and attorney's fees.

Respondents:

1. Respondents contend that Claimant did not suffer a compensable gradual-onset or specific-incident injury on February 6, 2024, while working for Respondent employer.

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 hearing witnesses and to observe their 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. Claimant has not proven by a preponderance of the evidence that she sustained a compensable injury to her left shoulder by either gradual onset or specific incident.
4. Because of Finding/Conclusion No. 3 *supra*, the remaining issues—whether Claimant is entitled to reasonable and necessary treatment, temporary total disability benefits, and a controverted attorney's fee—are moot and will not be addressed.

CASE IN CHIEF

Summary of Evidence

The witnesses were Claimant; her husband, Harold Mantooth; and Matt Morrison, the Food Service Manager for Respondent St. Bernards Village.

In addition to the Prehearing Order discussed above, admitted into evidence in this case were Claimant's Exhibit 1, a compilation of her medical records, consisting of two index pages and 56 numbered pages thereafter; Claimant's Exhibit 2, the job description for Cook Assistant – Villa, consisting of one page; Claimant's Exhibit 3, nine color photographs; Respondents' Exhibit 1, another compilation of Claimant's medical records, consisting of one index page and 31 numbered pages thereafter; and Respondents' Exhibit 2, the front side of Claimant's Form AR-N, consisting of one page.

Adjudication

A. Compensability

In this action, Claimant has alleged that she suffered a compensable injury to her left shoulder. The issue, as framed by the parties during the prehearing telephone conference and confirmed at the hearing, concerns whether she suffered such a compensable injury by gradual onset.

In this regard, Ark. Code Ann. § 11-9-102(4)(A)(ii) & (a) (Repl. 2012) defines a gradual-onset injury thusly:

(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 and is identifiable by time and place of occurrence, if the injury is:

(a) Caused by rapid repetitive motion.

In addition to rapid repetitive motion, a claimant seeking workers' compensation benefits for a gradual-onset injury must prove that: (1) the injury arose out of and in the course of her employment; (2) the injury caused internal or external physical harm to the body that required medical services or resulted in disability or death; (3) the injury was the major cause of the disability or need for treatment; and (4) the injury must be established by medical evidence supported by objective findings. Ark. Code Ann. §11-9-102(4)(D) (Repl. 2012). Ark. Code Ann. § 11-9-102(4)(A)(ii) & (D)-(E)(ii) (Repl. 2012). “Objective findings” are those findings that cannot come under the voluntary control of the patient. *Id.* § 11-9-102(16). In *Malone v. Texarkana Public Schools*, 333 Ark. 343, 969 S.W.2d 644 (1998), the Arkansas Supreme Court held that there is a two-part test

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for determining whether an injury is caused by rapid repetitive motion: (1) the tasks must be repetitive, and (2) the repetitive motion must be rapid. If the first element is not met, the second is not reached. *Id.*; *Westside High School v. Patterson*, 79 Ark. App. 281, 86 S.W.3d 412 (2002). Moreover, “even repetitive tasks and rapid work, standing alone, do not satisfy the definition. The repetitive tasks must be completed rapidly.” *Malone, supra*.

If the claimant fails to establish, by a preponderance of the evidence, any of the requirements for establishing compensability, compensation must be denied. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W.2d 876 (1997). 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).

The determination of a witness’ credibility and how much weight to accord to that person’s testimony are solely up to the Commission. *White v. Gregg Agricultural Ent.*, 72 Ark. App. 309, 37 S.W.3d 649 (2001). The Commission must sort through conflicting evidence and determine the true facts. *Id.* In so doing, the Commission is not required to believe the testimony of the claimant or any other witness, but may accept and translate into findings of fact only those portions of the testimony that it deems worthy of belief. *Id.*

Claimant’s testimony was that during the time period at issue, she was employed with Respondent St. Bernards Village as a Cook Assistant. She listed her duties there:

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Dishwasher, lifting heavy pots and pans full of food to the dishwasher, you know, the disposal. Trash can, taking out to the dock and lifting it and put it in the big bin . . . [a]nd they have a[n] ice machine for the Coca Cola. We had to do that, too.

Shown the photographs that comprise her Exhibit 3, Claimant described her interactions with the equipment shown in them. The first picture shows a co-worker hoisting a plastic tub to the top of a soft drink dispenser, depositing its contents in an opening in the top of it. She elaborated on this: “We’d have to fill up these big buckets and—full of ice, and then bring them to the ice machine, and then pull them over our head to get the ice in the machine.” St. Bernards Village has two such machines. Claimant had to fill the tub or bucket with ice from a machine in the kitchen and then pour the contents into the machine as shown in the picture. As for the fifth photograph, depicting a large metal pot, Claimant explained that she “would have to lift it from a cart onto the dishwasher and dump it.” With respect to the picture of the rolling trash can, she testified that one of her jobs was to tie up the bags that lined it, lift them out of the receptacle, and throw them into the dumpster outside the facility. Concerning the picture of the lunch trays, Claimant stated that she was tasked with putting them away. She acknowledged, however, that she was not required to carry or lift all of them at once. As for the final photograph, showing a tray of glasses, Claimant described having to stack such trays, which she described as not being light.

Asked to describe her mechanism of injury, Claimant stated that on February 6, 2023, “[m]y arm started popping, and it wasn’t in the joint. It was in the middle of my arm, upper arm.” Her testimony was that she went to her supervisor, Matt Morrison,

and reported the matter. She continued: “I told him that there was something going on with my arm, it was popping, and it had been popping all day, and I didn’t understand what was going on.” Claimant stated that she continued to come to work. But “as the month went on, it—I started losing feeling in my hand and my arm got weak.”

As alluded to above, Claimant has the burden of showing that the work task that she argues injured her shoulder (1) was repetitive, and (2) the repetitive motion was performed rapidly. In both her hearing testimony and in her deposition testimony, Claimant highlighted the duty of refilling the soda dispensers with ice as being the causative agent. But not until she was cross-examined by Respondents was she asked about the above two elements. According to Claimant, before the residents of the facility came in to eat lunch, she had to use two of the ice buckets or tubs to top off the two soda machines. She explained that if residents used enough ice, she would have to repeat this action. The following exchange took place:

Q. Okay. But you’re doing that only one or two times, right, before the lunch crew comes in?

A. Yes.

Q. And then at the end of the—what we call lunch shift, I guess, after the residents finished their lunch, you would need to make sure the machines, the ice machines were topped off again, right?

A. Yes.

Q. That would again require only one or two buckets—

A. Right.

Q. —of ice?

A. Yes.

Q. And then, throughout the day, residents might come in to get drinks, and those ice machines may continue to be used, and so you just need to make sure during the afternoon that that ice would stay topped off, true?

A. Yes.

Q. Okay. But each time that you're doing this, you're just lifting either one bucket or two buckets and dumping it into the machine, is that right?

A. Yes.

Later, under questioning by the Commission, Claimant agreed that she would have replenished the ice no more than 25 times per week. Similarly, Claimant's testimony was that she had to dump the trash no more than four times a day.

As illustrated by the above, none of Claimant's jobs were sufficiently repetitive under the Arkansas Workers' Compensation Act. Moreover, the evidence does not show that any of the tasks in question were performed rapidly. See *Carlat v. Ark. Hwy. Transp. Dept.*, 2018 Ark. App. 157, 546 S.W.3d 514. Consequently, apart from her ability to establish any of the other elements of the statute, Claimant cannot prove that she sustained a gradual-onset injury due to her failure to show that any of her jobs at St. Bernards Village entailed rapid repetitive motion.

In making this finding, I am aware that Dr. Jeremy Swymn, Claimant's shoulder surgeon, has offered an opinion on causation. On May 27, 2025, Claimant's counsel wrote the doctor a letter that reads in pertinent part:

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Ms. Mantooth contends that her work in the cafeteria at the St. Bernard's Village over time¹ caused this left rotator cuff tear. Her duties included filling ice machines, by lifting large buckets of ice over her head and pouring the ice into the machine, changing large trash bags and lifting and carrying them, and other such activities.

Can you say with a reasonable degree of medical certainty whether these actions caused or aggravate[d] Ms. Mantooth's left rotator cuff?

In an unsigned, undated handwritten response written on the original correspondence,

Dr. Swymn wrote:

Rotator cuff tear
can be caused
by lifting over
time
>50%

Medical evidence is not ordinarily required to prove causation. *Wal-Mart v. Van Wagner*, 337 Ark. 443, 990 S.W.2d 522 (1999). But if a medical opinion is offered on causation, the opinion must be stated within a reasonable degree of medical certainty. Ark. Code Ann. § 11-9-102(16)(B) (Repl. 2012). It should also be noted that in interpreting this provision, the Arkansas Supreme Court in *Freeman v. Con-Agra Frozen Foods*, 344 Ark. 296, 40 S.W.3d 760 (2001) stated: "This court has never required . . . that the magic words 'within a reasonable degree of medical certainty' even be used by the doctor." However, where the only evidence of a causal connection is a speculative and indefinite medical opinion, it is insufficient to meet the claimant's burden of proving

¹This lends support to the fact that Claimant is alleging only a gradual-onset injury and not a specific-incident one. Nonetheless, see *infra* for an analysis of the case under the specific-incident theory of causation.

causation. *Crudup v. Regal Ware, Inc.*, 341, Ark. 804, 20 S.W.3d 900 (2000); *KII Construction Company v. Crabtree*, 78 Ark. App. 222, 79 S.W.3d 414 (2002). Here, I am interpreting the handwritten language to mean he is opining that (1) rotator cuff tears can be caused by lifting over time, and that (2) in the instant case, it is more likely than not (i.e., “>50%”) that this is what happened. But even if I credit this opinion, this does not relieve Claimant from the onus of showing that rapid repetitive motion was involved—which, again, has not been achieved here. Thus, the opinion does not change the result.

During her hearing testimony, and despite her stated legal theory that her alleged left shoulder injury was gradual-onset in nature, Claimant appeared to cite a specific incident as the source of her injury:

You know, when I put the ice bucket over my head, my arm popped. It wasn’t a little pop, it was a big pop . . . [i]t was a pop in my—my upper arm. It wasn’t in my shoulder or any joint, it was in the middle of my arm.

Asked why she did not report this to Dr. General Cranfill when she saw him for left shoulder pain on December 27, 2023, she responded:

I was in a lot of pain at that time, okay? I’m not a doctor. I didn’t know if your arm pops in the middle of your—if it pops in the middle without being in a joint, I didn’t know that was a rotator cuff tear. I mean, this is something that came on gradual.²

The following exchange took place when Claimant was questioned by the Commission:

Q. Did I understand your testimony correctly today that you believe that doing the thing that we've just talked about with this ice is what hurt your shoulder?

A. Yes, sir.

Q. Why do you think that?

A. Because when I was putting the ice in the machine, my arm popped.

Q. Okay. Now you understand that I'm—that testimony which I heard when you were—you were being questioned later on in your testimony confuses me. And the reason why it confuses me, because I thought you were—you were asked earlier in your testimony if there was any specific incident that led to you hurting your shoulder, and you said no. Did I misunderstand you?

A. No, sir.

Q. Okay. So are you still saying there was no specific incident that involved your shoulder?

A. All I know is, when I was putting the ice in the ice machine above my head, my arm, in the middle of my arm, just—it popped really hard.

...

Q. Are you testifying that it is your belief that this pop, this time when it popped is when you hurt your shoulder?

A. Yes, sir.

Q. Or do you—or do you know?

A. Yes, sir.

²Asked by the Commission to explain what she meant by this phrasing, Claimant responded that “the numbness in my hand and the weakness in my arm” developed gradually.

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Q. Do you know?

A. I know, yes.

Again, the compensability issue before me, as framed by the parties, is whether Claimant suffered a compensable left shoulder injury by gradual onset. But the above shows that it is Claimant's own belief that her injury occurred at the time that her shoulder popped—which occurred as she was lifting the ice bin to empty it into one of the soda machines at the facility.

Out of an abundance of caution, I am going to address this theory of compensability as well, recognizing that Respondents in their contention, quoted above, specifically denied that Claimant suffered a shoulder injury by specific incident; they are thus not prejudiced by this.

With respect to Claimant's specific-incident injury theory, Arkansas Code Annotated §11-9-102(4)(A)(i) (Repl. 2012) defines "compensable injury":

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

As with gradual-onset injuries, specific-incident injuries must be established by medical evidence supported by objective findings. Ark. Code Ann. § 11-9-102(4)(D) (Repl. 2012). The element "arising out of . . . [the] employment" relates to the causal connection between the claimant's injury and his or her employment. *City of El Dorado v. Sartor*, 21 Ark. App. 143, 729 S.W.2d 430 (1987). An injury arises out of a claimant's

employment “when a causal connection between work conditions and the injury is apparent to the rational mind.” *Id.*

In *Edens v. Superior Marble & Glass*, 346 Ark. 487, 58 S.W.3d 369 (2001), the Arkansas Supreme Court held that to be “identifiable by time and place of occurrence,” a claimant does not have to “identify the precise time and numerical date upon which an accidental injury occurred. Instead, the statute only requires that the claimant prove that the occurrence of the injury is capable of being identified.” However, the court was quick to add that the Commission could take into account the inability of a claimant to specify the date of the alleged accident in weighing the credibility of the evidence. *Id.*

Claimant’s testimony was that this popping incident occurred in February 2023, and that she reported it to Morrison. But the records of her July 19, 2023, visit to Dr. Cranfill—the first visit in evidence after the popping supposedly occurred five months before—makes no mention of any shoulder problem. In fact, the first appearance in the medical records in evidence of a shoulder issue is in Claimant’s December 27, 2023, visit to Cranfill. Per the report of that visit, she informed him that her shoulder had been hurting for six months, but more severely in the past one-and-a-half months—which does not line up with an alleged February 2023 incident. Moreover, Claimant told the doctor that “she does not know exactly what happened but could be from lifting at work . . . [n]o obvious injury that she had that started it.” Not only did she not reference the alleged popping incident or even her lifting ice bins, but she did not definitively identify her job as the source of her problem.

When she saw Dr. Cranfill again on February 12, 2024, Claimant told him that her left shoulder originated “approximately 1.5 years ago”—which would place the beginning of her shoulder problems six months earlier than her testimony indicates. The purported timeline gets even murkier in light of Claimant’s telling Dr. Swymn, on May 16, 2024—the day after he operated on her, performing a left shoulder arthroscopy with rotator cuff repair, biceps tenodesis, and debridement—that “she noticed her shoulder bothering her in February – as she works in a kitchen with heavy lifting of pots and pans and ice buckets.” Assuming she is referring to the most recent February—February 2024—that is a year removed from her alleged onset. Oddly, February 2024 correlates with the Form AR-N in evidence, which pins the date as around February 6, 2024. But in her testimony, Claimant insisted that the date on the form was wrong, and that she reported her shoulder issue the year before. In his testimony, Claimant’s husband was of no help in this regard. While he stated that he recalled Claimant coming home one day and telling him that her shoulder had popped, he never assigned a year to when this occurred. He stated: “All I can tell you was it was in—it was in the the [sic] winter, you know . . . [a]nd specific dates to me, it it’s—I would assume February 6th is correct.”

In light of the foregoing, only through speculation and conjecture could I find that Claimant’s left shoulder condition arose out of and in the course of her employment with the respondent employer, and caused by a specific incident that is identifiable by time and place of occurrence. But I am not permitted to engage in speculation and

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conjecture. See *Dena Construction Co. v. Herndon*, 264 Ark. 791, 796, 575 S.W.2d 155 (1979). Consequently, apart from her ability to establish the other elements of compensability, her failed to establish these elements means that she has not proven by a preponderance of the evidence that she sustained a compensable injury by specific incident.

B. Remaining Issues

Because of the foregoing, the remaining issues—whether Claimant is entitled to reasonable and necessary medical treatment, temporary total disability benefits and a controverted attorney’s fee—are moot and will not be addressed.

CONCLUSION

In accordance with the Findings of Fact and Conclusions of law set forth above, this claim for initial benefits is hereby denied and dismissed.

IT IS SO ORDERED.

Honorable O. Milton Fine II
Chief Administrative Law Judge