BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION
CLAIM NO. H507324

JOHN J. MILNER,
EMPLOYEE **CLAIMANT**

DEBBIE'S WAGGING TAIL GROOMING,
EMPLOYER **RESPONDENT**

HARTFORD ACCIDENT & INDEMNITY,
CARRIER/THE HARTFORD, TPA **RESPONDENT**

OPINION FILED JULY 21, 2026

Hearing before Administrative Law Judge, Steven Porch, on June 9, 2026, in Little Rock, Arkansas.

Claimant was *Pro Se*, Jacksonville, Arkansas.

Respondents were represented by Mr. Randy Murphy, Attorney at Law, Little Rock, Arkansas.

STATEMENT OF THE CASE

A full hearing was held on this claim on June 9, 2026. A prehearing telephone conference took place on April 7, 2026. A prehearing order was entered on that date and subsequently entered into evidence, without amendments, as Commission Exhibit 1. The parties' stipulations are set forth.

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/carrier relationship existed among the parties on or about August 19, 2022, when Claimant sustained compensable injuries to his upper and lower left leg and developed a blood clot.

3. The Respondents accepted the claim, and some benefits have been paid.

ISSUES

The parties have identified the following issues to be adjudicated:

1. Whether the Statute of Limitations has barred Claimant's claim.

2. Whether Claimant is entitled to additional reasonable and necessary medical treatment (including Eliquis) for his injury.

All other issues are reserved.

CONTENTIONS

Claimant's Contentions:

Claimant was working and got extremely overheated resulting in a blood clot in his leg. Claimant went to the doctor. The doctor informed Claimant that he should have never stopped taking the medication required for his condition. Claimant needs to be on this medication for the rest of his life. Claimant is seeking medical coverage.

Respondents' Contentions:

The Claimant received all benefits to which he is entitled to. Respondents also contend that the statute of limitations has run on this claim.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Therefore, after a thorough consideration of the facts, issues, the applicable law, and the evidentiary record, 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 has not proven by the preponderance of the evidence that his claim was filed within the statute of limitations. Therefore, his claim is barred by the statute of limitations.

4. Based on my finding that the statute of limitations has barred his claim, the remaining issue of additional reasonable and necessary medical treatment is moot and will not be addressed in this opinion.

CASE IN CHIEF

Summary of Evidence

The record is made up of Claimant's Exhibit 1, Medical Records, that consists of twenty-nine pages, and Commission Exhibit 1, Pre-Hearing Order, that consists of five pages. Respondents did not submit an exhibit. However, Claimant and Respondent's post hearing briefs were blue-backed and made a part of this record. The Claimant was the only witness testifying in the full hearing.

Claimant was a lawn service worker for the Respondent/Employer. On August 19, 2022, Claimant testified that he suffered a heat stroke while mowing the lawn for Respondent /Employer. TR-14-15. Claimant further testified that the heat stroke resulted in a blood clot in his left leg. *Id*. On August 26, 2022, Dr. Harold Short diagnosed Claimant with Saphenous Vein Thrombophlebitis and prescribed Warfarin. CL. Ex. 1, pp. 3-4. On September 26, 2022, Claimant had a follow-up visit with Dr. Richard Hays regarding his Saphenous Vein Thrombophlebitis. CL. Ex. 1, pp. 9-10. He states that he has been improving and does not want to see a surgeon. *Id*. Dr. Hayes prescribed "Eliquis, 5 mg oral tablet [take 1 tablet (5 mg) by oral route 2 times per day], #60 (sixty) tablets, Refills: 4 (four)." *Id*.

On November 10, 2022, Claimant had a follow-up visit with Dr. Hays with complaints of Saphenous Vein Thrombophlebitis extending from above the knee to the groin. CL Ex. 1, pp. 13-14. Dr. Hays notes that the condition has been stable and nonprogressive with mild intensity. *Id.*

But overall, the patient was feeling well. *Id.* During this visit the Claimant was on Eliquis. *Id*. Respondents accepted the claim and paid benefits.

Claimant acknowledged, during his testimony, that he has no reason or evidence to contradict that November 10, 2022, was the last time he received a benefit in the form of a prescription payments. TR-17-18. Nevertheless, on July 8, 2025, more than two and a half years later, Claimant visited Dr. Todd Firmatura for an evaluation of his left leg. CL Ex. 1, pp. 16-17. Claimant complained about experiencing the same type of pain he had with his work-related injury that occurred on August 19, 2022. *Id*. The Claimant had started back on Eliquis a week and a half before. *Id*. Dr. Firmatura, after visiting with Claimant on a follow-up visit concerning amnesia, noted that Claimant is currently on Apixaban[1], but previously stopped due to cost, but "needs to continue therapy lifelong." CL Ex. 1, pp. 22-24, TR-18-20. Claimant testified that Dr. Hayes, upon prescribing this medication, never informed him that he would have to take that medication for life. *Id*. However, Dr. Hayes' medical records did note "long-term (current) use of anticoagulants." CL Ex. 1, pp. 14-15.

Claimant now comes before the Commission requesting that Respondents continue to pay for his Eliquis prescriptions since Dr. Firmatura stated that this medication needs to be taken for the rest of his life. Respondents objected to the request stating the issue is time-barred. The Claimant cites Ark, Code Ann. S. 11-9-702(b)(4) for the proposition that the Statute of Limitations does not apply to medications that is indefinitely required. Respondents argue that the statute does not apply.

Adjudication

A. Whether the Statute of Limitations has barred treatment from Dr. Todd Firmatura.

[1] Also known as Eliquis.

Standards.

Under Ark. Code Ann. §11-9-702(b)(1) (Repl. 2012):

> In cases in which any compensation, including disability or medical, has been paid on account of injury, a claim for additional compensation shall be barred unless filed with the commission within one (1) year from the date of the last payment of compensation or two (2) years from the date of the injury, whichever is greater.

The burden rests on Claimant to prove that his claim was timely filed. *Stewart v. Ark. Glass Container*, 2010 Ark. 198, 366 S.W.3d 358; *Kent v. Single Source Transp.*, 103 Ark. App. 151, 287 S.W.3d 619 (2008). Under Ark. Code Ann. § 11-9-705(a)(3) (Repl. 2012), he must prove this by a preponderance of the evidence. The standard "preponderance of the evidence" 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).

Discussion. I find by the preponderance of the evidence that the Claimant has failed to prove that his claim was timely filed. According to the testimony of the Claimant, the last benefit received was on November 10, 2022, in the form of prescription payments for Eliquis. TR-17-18. Claimant, over two and a half years later, visits Dr. Firmatura concerning a pain in his leg. Dr. Firmatura notes that Claimant should be on this medication for the rest of his life. CL Ex. 1, pp. 22-24. Claimant also testified that his leg never felt right between November 10, 2022, to December 2025. TR-21. Claimant further testified that he often thought he was getting another blood clot. *Id*. I don't credit Claimant's statements. If the Claimant was having issues in his left leg where he "often" felt like he was getting a blood clot, then visiting a healthcare professional would be in order; but in this case, he did not do that. Rather, when Claimant visited with Dr. Firmatura on July 8, 2025, he stated that he was having trouble with his left leg one or two weeks before that visit, not since November 10, 2022. CL. Ex. 1, pp. 16-17. It has been well over a year,

since the Claimant has received his last benefit from the Respondents. Despite this, Claimant argues that his request for medication is not subject to the Statute of Limitation pursuant to Ark. Code Ann. §11-9-702(b)(2) (Repl. 2012).

Under the pertinent part of Ark. Code Ann. §11-9-702(b)(2) (Repl. 2012) it reads:

> "The time limitations of this subsection shall not apply to claims for the replacement of medications…permanently or indefinitely required as the result of a compensable injury, when the employer or carrier previously furnished such medical supplies, but replacement of such items shall not constitute payment of compensation so as to toll the running of the Statute of Limitations."

The evidence is clear that the Respondents have provided this medication, Eliquis, to the Claimant because of his compensable injury. However, nothing in the record indicated that when this medication was prescribed by Dr. Hays that it was permanently or indefinitely required for the remainder of Claimant's life. Claimant's argument, in essence, is that since Dr. Firmatura stated in his medical record that Claimant was currently on Apixaban and "needs to continue therapy lifelong," that should be enough to relate back to his initial diagnosis and treatment by Dr. Hayes. I disagree with this argument. Dr. Hayes assessment of "long term" use of anticoagulants does not equate with Dr. Firmatura's use of the word "lifelong." The former is ambiguous where the latter would trigger the exception. I find by the preponderance of evidence that these are two different treatment plans for Claimant's condition, one was long-term (Dr. Hays) while the other was life-long (Dr. Firmatura). Moreover, the Claimant successfully went without the medication for over two and a half years. This shows that Eliquis was not permanently or indefinitely required otherwise he would not have made it without the medication for over two and a half years. Also, when Dr. Hays was made aware that this medication was not going to be paid through workers' compensation, he never stated that the medication was necessary, rather he advised that the Claimant could use aspirin. TR-18, 33-34. Thus, I further find by the preponderance of the

evidence that Claimant's prescription for Eliquis, or like medications, were not prescribed by Dr. Hayes as a permanent or indefinite medication that would fall under the Ark. Code Ann. §11-9-702(b)(2) (Repl. 2012) exception. With that being the case, I again find by the preponderance of the evidence that Claimant has failed to timely file his claim and it is hereby barred by the statute of limitations.

MISCELLANEOUS ISSUES

Based on my previous finding that the statute of limitations has barred Claimant's claim, the remaining issue regarding additional reasonable and necessary medical treatment (including Eliquis) is moot and will not be addressed in this opinion.

CONCLUSION

In accordance with the Findings of Fact and Conclusions of Law set forth above, the parties shall act consistent with this opinion.

IT IS SO ORDERED.

_____

Hon. Steven Porch
Administrative Law Judge