

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO.: H306170

**ROSHANDRA RAY,
EMPLOYEE**

CLAIMANT

**HINO MOTORS MFG. USA, INC.,
EMPLOYER**

RESPONDENT

**FIRST LIBERTY INSURANCE CORP.,
INSURANCE CARRIER**

RESPONDENT

OPINION FILED MAY 12, 2025

Hearing before Administrative Law Judge Chandra L. Black on February 14, 2025, in Forrest City, St. Francis County, Arkansas.

Claimant, unrepresented/pro se.

Respondents represented by the Honorable Zachary F. Ryburn, Attorney at Law, Little Rock, Arkansas.

Statement of the Case

The above-captioned claim comes before the Commission for a full hearing on the merits. Said hearing was held on February 14, 2025, in Forrest City, Arkansas. A prehearing telephone conference was conducted in this matter by Chief Administrative Law Judge O. Milton Fine II, on December 16, 2024. Chief Judge Fine entered a Prehearing Order in this matter on that same day. A copy of said order and the parties' prehearing information filings have been marked as Commission's Exhibit 1 and made a part of the record without objection.

Stipulations

During the telephone conference, the parties agreed to the following stipulations:

1. The Arkansas Workers' Compensation Commission has jurisdiction of the within claim.

2. That the employee-employer-carrier relationship existed at all relevant times including on or about August 9, 2023.
3. The Respondents have controverted this claim in its entirety.
4. All other issues are reserved under the Arkansas Workers' Compensation Act.

Issues

By agreement of the parties, the issues to be litigated at the hearing are limited to the following:

1. Whether the Claimant sustained a compensable injury to her left hand by a specific incident injury on August 9, 2023.
2. Whether the Claimant is entitled to reasonable and necessary medical treatment for her alleged injury.

Contentions

The respective contentions of the parties are as follows:

Claimant:

The Claimant contends that she sustained a compensable injury to her left hand when it got in a machine at work on August 9, 2023. She further contends that she is entitled to reasonable and necessary medical treatment for her alleged injury.

Respondents:

The Respondents contend that the Claimant did not sustain a compensable injury. At the hearing, the Respondents' attorney further contended that there are no objective medical findings of an injury.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record as a whole, including medical reports, documentary evidence, and all other matters properly before the Commission, and having had an opportunity to hear the testimony of the witness 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 hereby accepted.
3. The Claimant did not prove she sustained an accidental injury to her left hand on August 9, 2023. Specifically, the Claimant did not establish a compensable injury to her left hand by medical evidence supported by objective findings.

Nor can I find in the record a reasonable inference that would lead me to conclude the Claimant was prescribed medication to treat objective medical findings to her left hand.
4. This claim for a left hand injury is hereby respectfully denied and dismissed entirely.

Summary of Evidence

Ms. Roshandra Ray (referred to herein as the ("Claimant")) testified during the hearing.

In addition to the Prehearing Order discussed above, admitted into evidence in this case were the following: Claimant's Exhibit 1, a compilation of her medical records consisting of thirty-four (34) numbered pages; and Respondents' Exhibit 1 includes a page of a payout history for the claim.

Testimony

The Claimant, age 44, testified during the hearing. She confirmed that in August 2023, she worked for Hino Motors Manufacturing, the respondent-employer in this matter. According to the Claimant, she sustained an accidental injury to her left hand on August 9, 2023, during and in the course of her employment with the respondent-employer while operating a machine.

Specifically, the Claimant testified on direct examination:

Q Okay. Tell me briefly what happened on August 9, 2023.

A I was working on rear axle, and --

Q Rear axle.

A Yes, ma'am.

Q(sic) Okay. And I had spoke with the team lead, and I had specifically told him That I wasn't trained properly on that position that he switched me over to. And as I was working the process, the shelf things clamped down on my left hand and my hand instantly swolled (sic) up. So I had told -- what's his name -- Ramone Beck what happened to my hand, and I ended up had to get transferred to West Memphis Hospital 'cause my hand was swollen, and they said it was a contusion, I think.

She testified that her accidental injury occurred around 1:00 a.m. on the morning of August 9. The Claimant further explained that after she reported her injury to her supervisor, he directed her to go the nurse's station. At that time, the Claimant testified that the safety person wrapped her hand in a package of ice and told her to go the hospital.

Next, the Claimant sought medical attention for her hand from the hospital in West Memphis, Arkansas. According to the Claimant, she drove herself to the hospital. She testified that at the hospital, they gave her a shot. They also performed x-rays on her left hand and put her arm in a splint. The Claimant testified that the doctor at the hospital told her to follow up for hand at the Urgent Care Clinic, and she did so. According to the Claimant, she was taken off work by

the Urgent Care Clinic. The Claimant confirmed that she reported to management that she had been taken off work because she continued to have problems with her hand. She specifically testified that she made the plant manager aware of her absence. According to the Claimant, when she reported for work, management sent her home because they did not have any light-duty work available.

The Claimant testified that she underwent three (3) weeks of physical therapy in Forrest City, Arkansas. However, she maintained that after undergoing the therapy sessions, she continued to experience problems with her left hand, so she tried to go back to therapy on her own. At that time, the Claimant described problems with her hand that included symptoms of a pinched nerve, along with other difficulties, such as stiffness, swelling and limited range of motion. Specifically, the Claimant testified that she primarily had problems with her index finger. According to the Claimant, she had difficulties with it swelling, and constantly bending over, causing her not to be able to hold anything. Per the Claimant, she also had problems with the top of her middle finger.

She denied undergoing any other treatment after her second round of physical therapy. The Claimant testified that she did not have the money, group health insurance, or Medicaid to pay for any additional medical treatment for her hand. The Claimant essentially testified that she sought treatment from her primary care physician/PCP. Per the Claimant, her PCP prescribed medication for her hand, which included a muscle relaxer¹ to help relieve her symptoms. The Claimant testified that she occasionally has problems with her hand. According to the Claimant, her last treatment for her hand was when she went to the Urgent Care Clinic, in Wynne, Arkansas. The Claimant testified that Dr. Ryan gave her some medicine for her hand. At that time, the Claimant

¹ Although the Claimant maintained she was prescribed a muscle relaxer, the medical records of evidence does not demonstrate that she was prescribed a muscle relaxer.

maintained that her hand was swollen. Per the Claimant, they told her if she continued to have problems with her hand, she should return to the clinic.

The Claimant testified that she left her employment with Hino Motors in January 2024. According to the Claimant, on the day that she returned to work, she told her supervisor she was leaving to go home because she was still bothered with her arm. However, the Claimant testified that when she returned to work the following day, she was called over to the other building and a woman spoke with her and told her they had to let her go. She was unable to recall the exact date that this happened. At that time, the Claimant testified that she continued to have problems with her left hand.

Under continued direct examination, the Claimant explained:

Q Okay, as we sit her today, what problems are you having with your left hand?

A Every now and then, my hand will swell up or it's like a tingling feeling in my hand, and I have to hold my hand down like I'm not getting good blood circulation or something in my hand.

Q Okay. Do you have swelling today in your hand?

A No, ma'am, I do not.

Q So as we sit here today, the only problem that you're having with your hand is that you think you have poor circulation and you get a tingling feeling in your fingers, your entire hand, or what?

A In my entire hand. They told me it was damaged nerve.

The Claimant maintained that she was told by the doctor in Wynne that she has nerve damage to her hand. However, *she admitted that she does not have a diagnostic test showing that she has nerve damage to her hand.* The Claimant testified that currently she takes Tramadol, a muscle relaxer, and Hydrocodone for her hand. She maintained that her primary care physician,

Denise Parnell, prescribed these medications for her left hand symptoms. However, there are no medical records confirming that the Claimant has been prescribed these medications.

Prior to her work incident at Hino, the Claimant testified that she did not have any problems with her left hand. Currently, the Claimant works at Love's Truck Stop. She started working for Love's in March 2024. The Claimant works in the restaurant, as a cook. She works thirty-five (35) to forty (40) hours per week.

Next, the Claimant was asked about the medical treatment being recommended for her hand. Specifically, the Claimant stated that she is asking for continued medical treatment under the care of a new doctor. According to the Claimant, she is currently under the care of Dr. Barrett, at a clinic in Jonesboro. She was referred to him by her primary care physician. Per the Claimant, she is undergoing occupational therapy in Jonesboro. The Claimant denied having any subsequent accidents or injuries to her left hand since her incident with Hino. She further denied having any hand intensive hobbies. However, the Claimant confirmed that she can perform her job duties at Love's.

The Claimant denied that Hino paid for any of her medical treatment for her left hand. She maintained that she is receiving a bill from Forrest Center Medical Center for her ER visit. Per the Claimant, she also continues to receive bills from Urgent Care. She confirmed that her supervisor told her to go to the ER. The Claimant denied having had any prior workers' compensation claims.

On cross-examination, the Claimant was asked by the Respondents' attorney to describe the machine and what happened.

A Yes sir. As I was working on a shelf. I was doing the parts, and after -- well, I talked to the supervisor there. I didn't know the process so, as he told me, I had to go over there so, as I was doing the shelf, and thing just clamps on -- clamped on my hand, the two shelf things clamped on my hand.

Q Okay. And is -- what is his machine? What is the clamp process?

A We was putting a, you know, shelf down and one line to the other line. And as I was pulling the shelf down an - and that's when it rolled off the -- I guess the belt thing and it clamped down on my hand.

Q Okay. And then that clamp, did it -- was that a fast process? Did it clamp and then let go, or how did it work?

A No, it clamped. It was a fast process, and it clamped on my hand as I was - - you know, as it was coming down the belt.

I can't just really explain how it is, but it's -- it's two shelves, heavy shelf on rear axle. And as you pushing the things down, it go through one machine on down the line.

The Claimant confirmed that she was working exclusively on rear axles when her injury occurred. She admitted that she underwent a CT scan of her hand, and it was negative for any findings.

On further examination, the Claimant admitted that she reported tinging and numbness in *both arms and fingers, when she sought treatment from the ER Department staff at Forrest Center Medical Center.*

She testified that there were three (3) witnesses to her August 9 accident, namely, Jacresha Smith, May-Bay Simmons, and Aaron Williams. The Claimant confirmed that after being directed by her supervisor to go to the hospital, she went to the West Memphis Hospital. The Claimant testified that she went to the hospital in Forrest City about a month later because she was still hurting. This visit occurred on September 14. She testified that she wore a splint on her hand for about a month. The Claimant admitted that she reported that she sustained a crush injury to her left hand. The Claimant maintained that after her injury, she had bruising on the inside of her hand.

The Respondents' attorney introduced into evidence a payment summary. This document shows that they paid for the physical therapy, as well as the Baptist Hospital and Mid-South

Imaging bills. However, after the CT scan showed no objective finding of an injury, the respondent-carrier stopped payment, and controverted the claim in its entirety.

Medical Evidence

On September 14, 2023, the Claimant sought medical treatment from Emergency Department/ED at Baptist Memorial Hospital- Crittenden. Ms. Ray presented to the emergency center with a left-hand injury. Per these notes, apparently the Claimant's left hand got caught between two shafts at work. No other injuries were appreciated. On physical examination, the Claimant had minimal discomfort with palpation to the dorsal aspect of her hand, but no open fractures, open wounds, bruises, or hematomas were noted. The Claimant's left hand was placed in a splint for comfort measures, and she was discharged home, with instructions to follow up with her family physician the next day. She was given a prescription for Naproxen to take as prescribed and instructed to apply ice for swelling as needed. Of note, the Claimant did not complain of swelling, and nor was any swelling noted on physical examination of her hand.

There is a Registration Admission sheet from Forrest City Medical Center, which has been introduced into evidence. This report was generated on November 6, 2023. At that time, according to this report, the Claimant's chief complaint was pain in her left hand. As a result, on that same day, the Claimant underwent a CT of the left hand due to a clinical indication of pain in her left hand, with an impression of "*No acute osseous abnormality of the left hand.*"

On December 8, 2023, the Claimant sought medical treatment from Forrest City Medical Center Emergency Department due to *numbness and tingling in both arms and fingers*. The Claimant was evaluated by Dr. Toby Anderson. He assessed the Claimant with "Radiculopathy, cervical region, paresthesia of skin, headache, unspecified." She underwent a CT scan of the head, and CT of cervical spine without contrast due to worsening headache and bilateral

paresthesia, with an impression of: “No acute intracranial abnormality. No acute cervical spine fracture or significant subluxation.”

Adjudication

Compensability

The Claimant contends that she sustained a compensable injury to her left hand/fingers while working for the respondent-employer on August 9, 2023. The Respondents contend that the Claimant did not sustain an injury to her left hand because there are no objective medical findings for an injury to her left hand.

The Respondents initially accepted this as a compensable injury for an injury to the Claimant’s left hand. However, after the Claimant underwent a CT of the left hand, which revealed no abnormalities, they controverted the claim in its entirety.

"Compensable injury" means an accidental injury causing 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. Ark. Code Ann. §11-9-102(4)(A)(i) (Repl. 2012). A compensable injury must be established by medical evidence supported by objective findings. Ark. Code Ann. § 11-9-102(4)(D) (Repl. 2012). Objective findings are those findings which cannot come under the voluntary control of the patient. Ark. Code Ann. §11-9-102(16)(A)(i) (Repl. 2012).

The Claimant must prove by a preponderance of the evidence that she sustained a compensable injury. Ark. Code Ann. § 11-9-102(4) (E)(i) (Repl. 2012). Preponderance of the evidence means evidence having greater weight or convincing force. *Metropolitan Nat’l Bank v. La Sher Oil Co.*, 81 Ark. App. 269, 101 S.W. 3d 252 (2003).

After reviewing the evidence in this case impartially, without giving the benefit of the doubt to either party, I find that the Claimant failed to prove by medical evidence supported by

objective findings that she injured her left hand/fingers on August 9, 2023, while working for Hino Motors Manufacturing USA, Incorporated.

To meet the requirements of a compensable injury, the Claimant must prove by a preponderance of the evidence, every element required by law for establishing compensability. If the Claimant does not prove by a preponderance of the evidence, any of the requirements for proving compensability, compensation must be denied. Hence, a compensable injury has not occurred. *Mikel v. Engineered Specialty Plastics*, 56 Ark. App. 126, 938 S.W. 2d 876 (1997).

The Claimant was a very pleasant person. She gave a very complete and correct account of her accidental injury. It is undisputed that the Claimant's left hand was caught in a machine while performing her employment duties for Hino. No testimony was presented to the contrary by the Respondents. According to the Claimant, she injured two fingers on her left hand, when her hand was struck by a brake assembly, when she reached for a part. The Claimant testified that she reported her injury to her supervisor. Her testimony proves that management instructed her to seek medical treatment, which she did do.

However, the Claimant has failed to present any medical evidence supported by objective findings to establish an injury to her left hand. In fact, the first medical record of evidence is dated September 14, 2023, more than a month after the Claimant's incident at work. The aforementioned medical record and all the other medical evidence are devoid of a resulting injury causing internal or physical injury harm to the Claimant's left hand/ fingers. Specifically, the x-rays of the Claimant's left hand do not reveal any objective medical findings of any physical or internal harm to her hand. Also, a CT scan of her left hand was devoid of any objective medical findings. None of the medications in the record are prescribed for any objective medical finding. Nor can I find a reasonable inference in the present matter that the Claimant was prescribed medication to treat any

objective medical findings in her left hand. Moreover, there are no reports of spasms, swelling, ecchymosis, bruising or any objective medical findings.

In sum, the Claimant has failed to provide medical evidence supported by measurable objective findings proving a specific incident injury to her left hand/fingers on August 9, 2023. Under these circumstances, based on the record before me, I am compelled to find that the Claimant did not prove by a preponderance of the evidence all the statutory requirements for establishing compensability for a left hand injury on August 9, 2023.

As such, this claim for a left hand injury must be, and is hereby respectfully denied and dismissed in its entirety. Accordingly, the remaining issue relating to medical benefits in this matter have been rendered moot and not discussed herein this opinion.

However, it is noteworthy that based on my review of the payout history for this claim, the Respondents have paid for all the medical treatment that the Claimant received for her left hand at the direction of management.

ORDER

The Claimant failed to prove that she sustained a compensable injury to her left hand on August 9, 2023, by way of objective medical findings.

IT IS SO ORDERED.

CHANDRA L. BLACK
ADMINISTRATIVE LAW JUDGE