

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H204394

JOHNNY WRIGHT, EMPLOYEE

CLAIMANT

vs

CENTRAL MALONEY, INC., SELF-INSURED EMPLOYER

RESPONDENT

RISK MANAGEMENT RESOURCES, TPA

RESPONDENT

OPINION FILED 4 MARCH 2026

Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 11 December 2025 in Pine Bluff, Arkansas.

Mr. Gary Davis, The Gary Davis Law Firm, appeared for the claimant.

Mr. Guy Alton Wade, Friday, Eldredge & Clark, LLP, appeared for the respondents.

I. STATEMENT OF THE CASE

A Prehearing Order was filed on 30 September 2025 and admitted to the record as Commission's Exhibit № 1. The parties agreed to the following Stipulations at the hearing:

STIPULATIONS

1. The Arkansas Workers' Compensation Commission (the Commission) has jurisdiction over this claim.
2. Employee/self-insured employer/TPA relationship existed at all relevant times, including on or about 8 June 2022, when the claimant sustained compensable injuries to his right hand and fingers.

ISSUES TO BE LITIGATED

1. Whether the claimant is entitled to vocational rehabilitation.
2. Whether the claimant is entitled to additional medical treatment.
3. Whether the claimant is entitled to an attorney's fee.

All other issues are reserved.

CONTENTIONS

The parties' Contentions are set out in their respective Prehearing Questionnaire responses:

Claimant

Claimant contends that he sustained admitted compensable injuries 8 June 2022. Claimant contends entitlement to a vocational rehabilitation evaluation. Claimant further contends that he is entitled to ongoing medical treatment. These matters are controverted. Claimant's attorney respectfully requests that any attorney's fees owed by Claimant on controverted benefits paid by award or otherwise be deducted Claimant's benefits and paid directly to Claimant's attorney by separate check, and that any Commission Order direct the respondent to make payment of attorney's fees in this matter.

Respondent

Respondents accepted the claim and paid applicable benefits, including a 22% PPD rating to the claimant's hand. Claimant was released on 13 May 2023, with no restrictions. Claimant was in a work release at the time of his injury and that program no longer exists.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the record as a whole, including the evidence summarized below, and having heard testimony from the claimant, observing his demeanor, I make the following findings of fact and conclusions of law under Ark. Code Ann. § 11-9-704:

1. The Commission has jurisdiction over this claim.
2. The Stipulations as set forth above are reasonable and are hereby accepted.
3. The claimant has failed to prove by a preponderance of the evidence that he is entitled to vocational rehabilitation.
4. The claimant has failed to prove by a preponderance of the evidence that he is entitled to additional medical benefits.
5. Because the claimant has failed to prove that he is entitled to any additional indemnity benefits, he is not entitled to an attorney's fee.

III. ADJUDICATION

The stipulated facts as outlined above are reasonable and accepted. It is settled that the Commission, with the benefit of being in the presence of a witness and observing their demeanor, determines a witness' credibility and the appropriate weight to accord their statements. *Wal-Mart Stores, Inc. v. VanWagner*, 337 Ark. 443, 990 S.W.2d 522 (1999). A claimant's testimony is never considered uncontroverted. *Nix v. Wilson World Hotel*, 46 Ark. App. 303, 879 S.W.2d 457 (1994). 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.*

SUMMARY OF THE EVIDENCE

The claimant was the only witness at the hearing. The record consists of the hearing transcript and the following exhibits: Commission's Exhibit № 1 (the 30 September 2025 Prehearing Order); Claimant's Exhibit № 1 (Respondents' Exhibit № 1 (one index page and 36 pages of medical records); and Respondents' Exhibit № 2 (one index page and 14 pages of non-medical records).

Claimant's Testimony

The claimant is a sixty-six-year-old man with a High School Diploma, a General Education Development (GED) certificate, and various college credits. He was working for the respondent-employer through an Arkansas Department of Correction work-release program on the date of his injury. On 8 June 2022 a table saw accident caused the partial amputation of the index and middle fingers on his right hand. The respondents provided

contemporaneous treatment. According to the claimant, the Department of Correction ended the work-release program's contract that placed inmates at the respondent-employer's facility sometime shortly after his injury.

On 13 May 2023, the claimant's treating physician placed him at maximum medical improvement (MMI) with no restrictions. He was released from prison about a year later.

The claimant stated that, in addition to having his High School Diploma and GED, he had previously completed a community college program for radiology technicians and that he had recently obtained a commercial driver's license (CDL). His CDL is valid until 24 April 2031. He also has a valid Medical Examiner Certificate. He has worked with Computer Numerical Control (CNC) machines and has worked running a lathe for Lockheed. He also testified about having scrapped materials in a junkyard, working as a janitor, and working in fast food restaurant(s). He knows how to drive a tractor and a forklift and has worked in lawn care and construction. Additionally, he has a certificate in Substance Abuse Counseling and is a certified nurse aid (CNA).

After his injury, but before his release from prison, the claimant worked at a café through the prison's work-release program. His duties ranged from unloading groceries and cleaning to cooking and running the grill. After his release from prison, the claimant worked for a time at a factory that manufactured pepper spray and worked another job unloading trucks. Yet he testified, "to tell you the truth, this hand is really just... it's just I can't do nothing." [TR at 33-34.]

Since obtaining his CDL, he has been looking for a truck driving job, specifically driving no-touch freight. He stated that he has sought this employment through the state's Arkansas Workforce offices and that he has completed several job applications online. But he explained that, "after they find out I don't have a year or two years, 'cause some places want a year experience, and some places want two-years' experience. After they find out I

don't have neither one, they will tell me, well, they gonna hold my application for about six months." [TR at 32.]

Regarding his claim for additional medical treatment, the claimant said that he believes that his therapy was "cut short." [TR at 45.] He went on to testify that despite his MMI placement without restrictions, he still has some difficulty with his injured hand. He said that he had some trouble operating the grip on a spray gun, for example, when he worked cleaning tanks at the pepper spray factory. He also suggested that it would be difficult to work again as a machinist or CNA. While he denied being offered any assistance from the respondents with finding another job, he also denied seeking re-employment with the respondent-employer since being released from prison and moving to another part of the state.

Medical Records

The claimant presented to Dr. David Black for an independent medical evaluation on 26 October 2022. He complained of ongoing issues related to his compensable index and middle finger injuries. Dr. Black recommended additional surgical intervention and anticipated an eventual MMI placement about four months post-surgically. On 16 November 2022, Dr. Black performed the following: right index finger extensor tenolysis; right long finger extensor tenolysis; right index finger proximal interphalangeal (PIP) fusion; right long finger deep hardware removal; right long finger malunion correction with osteotomy. The claimant tolerated the surgery well and followed-up accordingly. A subsequent procedure was then scheduled for 5 January 2023, with right index finger deep hardware removal and irrigation and debridement of osteomyelitis in the same finger. That procedure, too, was tolerated well. He was returned to work with restrictions on 16 January 2023 and referred for occupational therapy. [Cl. Ex. № 1.]

The claimant continued to follow-up with Dr. Black until 8 May 2023. At that visit, Dr. Black noted:

I have reviewed the patient's exams and x-rays with him today.
Patient has reached maximal medical improvement as of today.
Patient has no restrictions for use of his right hand.
Final impairment rating will be dictated separately.
Patient will follow-up with me as needed.

[*Id.*] A return-to-work note consistent with the same was written the same day. In a separate letter dated 15 May 2023, Dr. Black assigned an impairment rating that equated to 12% of the whole person.

DISCUSSION

The two primary issues presented for litigation are whether the claimant is entitled to vocational rehabilitation and whether the claimant is entitled to additional medical treatment. Those questions are addressed, in turn, below.

A. THE CLAIMANT HAS FAILED TO PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT HE IS ENTITLED TO VOCATIONAL REHABILITATION.

The purpose of vocational rehabilitation "is to place an emphasis on returning an injured worker to work, while still allowing for vocational rehabilitation programs" when the Commission determines them to be "appropriate." Ark. Code Ann. § 11-9-505(d).

Regarding a claimant's entitlement to vocational rehabilitation, Ark. Code Ann § 11-9-505(b)(1) states:

In addition to benefits otherwise provided for by this chapter, an employee who is entitled to receive compensation benefits for permanent disability and has not been offered an opportunity to return to work or re-employment assistance shall be paid reasonable expenses of travel and maintenance and other necessary costs of vocational rehabilitation *if the commission finds that the program is reasonable in relation to the disability sustained by the employee.* (Emphasis added.)

The claimant must prove his entitlement to vocational rehabilitation by a preponderance of the evidence. Ark. Code Ann. § 11-9-705(a)(3). Preponderance of the evidence means the

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).

There is no question that the claimant sustained a permanent disability. The factual circumstances here are unique though in that the claimant was working for the respondent-employer at the time of his accident through a Department of Correction work-release program placement. He acknowledges that the Department's contract with the respondent-employer was either cancelled or not renewed sometime shortly after his injury. And the respondent-employer acknowledges that it did not offer re-employment for that reason. The claimant's subsequent job placement was decided by the Department of Correction; and he agreed that he has not sought re-employment with the respondent-employer since he was released from prison and moved to a different part of the state. The question of the claimant's entitlement, then, turns on whether vocational rehabilitation is reasonable.

The claimant has not identified any specific vocational rehabilitation program that he believes would be of benefit to him. Instead, he argues generally that the respondents have the resources to help him find a no-touch freight job (like he would prefer) or to provide him with some additional education so that he may be otherwise employable in some new, unspecific field. I do not find this request for vocational rehabilitation to be reasonable in relation to his disability.

First, as detailed above, the claimant has a wide range of career experience that he could pursue for new work. He has a High School Diploma and a GED, and he acknowledged in his testimony that he had "four different certificates or training or degrees from community colleges." He failed to provide credible testimony as to how his disability prevented him from securing employment across *any* of those different areas of career experience. His testimony that working again as a machinist or in construction might be too difficult was only speculative. Next, he was released at MMI without any permanent

restrictions. While his injuries did result in a permanent impairment, I find his statement that his right hand “can’t do nothing” to be inconsistent with the objective medical findings relating to his hand post-recovery. Finally, the claimant has been able to work in at least three different jobs since he injured his hand. While he has not been able to find work in his newly-credentialed career of preference (no-touch freight driving), he has failed to show that he cannot find employment relative to his education and experience and that such an inability to find employment is related to his disability.

In short, the claimant has a broad range of work experience and professional education that he could utilize in finding employment. He has chosen, instead, to seek to hold the respondents liable for placing him into a very specific new field for which he just received licensure and which he acknowledges generally carries one-to-two years’ worth of required experience. I commend him for making the effort to obtain his CDL. But I do not find it reasonable to hold the respondents liable for jump-starting his career in this new endeavor or otherwise supporting an educational pivot into yet another new career field. Because the claimant has failed to prove by a preponderance of the evidence that a vocational rehabilitation program is reasonable in relation to his disability, his claim for the same is denied.

B. THE CLAIMANT HAS FAILED TO PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT HE IS ENTITLED TO ADDITIONAL MEDICAL TREATMENT.

Employers must promptly provide medical services which are reasonably necessary in connection with compensable injuries. Ark. Code Ann. § 11-9-508(a). However, injured employees have the burden of proving by a preponderance of the evidence that medical treatment is reasonably necessary. *Patchell v. Wal-Mart Stores, Inc.*, 86 Ark. App. 230, 184 S.W.3d 31 (2004). What constitutes reasonable and necessary medical treatment is a fact question for the Commission, and the resolution of this issue depends upon the sufficiency

of the evidence. *Gansky v. Hi-Tech Engineering*, 325 Ark. 163, 924 S.W.2d 790 (1996). A claimant may be entitled to additional treatment even after her healing period is ended, if that treatment is geared towards management of a compensable injury. *Patchell, supra*. An employee who has sustained a compensable injury is not required to offer objective medical evidence in order to prove that he is entitled to additional treatment. *Ark. Health Ctr. v. Burnett*, 2018 Ark. App. 427, 558 S.W.3d 408.

The claimant has failed to prove by a preponderance of the evidence that he is entitled to additional medical treatment. Besides vaguely stating that he occasionally experiences some swelling in his hand, the claimant offered no credible testimony about ongoing problems related to his compensable injuries that might require additional medical management. When pressed for some further explanation on the issue, the claimant only said that he believed his occupational therapy (in 2023) was “cut short.” 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). Dr. Black, whose treatment records and opinion I find to be credible, made no indication that any additional therapy was warranted at the time of the claimant’s release from care and placement at MMI. And the claimant has presented no contrary medical evidence since his release from Dr. Black’s care to suggest that ongoing or additional treatment is necessary. The claimant has simply failed to present any credible, persuasive evidence that additional medical treatment is reasonable or necessary. His claim for additional medical treatment must, therefore, fail.

C. THE CLAIMANT IS NOT ENTITLED TO AN ATTORNEY’S FEE.

Because the claimant has failed to prove that he is entitled to any benefit that might provide for an attorney’s fee, his claim for the same must also be denied.

IV. CONCLUSION

Consistent with the Findings of Fact and Conclusions of Law, this claim for additional benefits is DENIED and DISMISSED.

SO ORDERED.

JAYO. HOWE
ADMINISTRATIVE LAW JUDGE