

Attorney Jason Hatfield Wins Compensation for Injured Employee Who Needs Additional Spine Surgery

Springdale, Arkansas – Attorney Jason Hatfield recently won a case seeking additional medical treatment for an injured worker whose doctor recommended lumbar fusion surgery.

In August 2023, the employee was working for his employer, Foust Fabrication Co., when his scissor lift fell on its side. The scissor lift tipped over with the employee inside it, causing him to plunge approximately 20 feet to the ground below.

The employee suffered fractures in the lower spine, ribs, and sternum. He lay in pain until an ambulance rushed him to a local hospital, where he was admitted overnight.

After his release from the hospital, the employee attended physical therapy and received other treatments recommended by his physicians, but he continued to experience lower back and leg pain, numbness, and tingling. One of his physicians recommended lumbar fusion surgery since other methods to treat the back pain weren't providing the needed relief.

Attorney Hatfield and his client argued that additional surgery is needed to treat the injury the employee suffered when the scissor lift malfunctioned at work. They also noted that the employer or their workers' compensation carrier hasn't paid some of the outstanding medical bills. The employer's insurance company responded that the surgery wasn't related to the work injury and claimed they'd paid all the bills related to the injury.

After reviewing the evidence, the court held that the injured employee "is entitled to additional medical treatment for his compensable back injury." Specifically, the court held the employee is entitled to workers' compensation coverage for the recommended lumbar fusion surgery and for related follow-up care.

In this case, the employer and their workers' compensation insurer sought a review from two separate physicians. One reviewer recommended that the employee receive the lumbar fusion surgery, while the other recommended against it. Both results were admitted; the court, however, noted that both doctors only looked at the injured employee's medical records, not the injured employee himself.

Surgery can be costly. Consequently, workers' compensation insurers and employers may seek to avoid paying for surgeries and other intensive treatments. An experienced workers' compensation attorney can help injured employees prove their need for treatment and get the help they need.

CASE INFORMATION

Arkansas Workers' Compensation Commission

Keeling v. Foust

Case: No. H305634

At the Law Office of Jason M. Hatfield, P.A., we are seasoned veterans of the Arkansas legal system. We have families who are proud to live, work, and play in Northwest Arkansas – from Fayetteville to Bentonville.

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