ISSUES

1. Whether Claimant has established by a preponderance of the evidence that he suffered compensable left upper extremity injuries during the course and scope of his employment on March 25, 2024.

2. Whether Claimant has proven by a preponderance of the evidence that the right to select an Authorized Treating Physician (ATP) passed to him through Respondents' failure to provide a written list of at least four designated medical providers in violation of §8-43-404(5), C.R.S. and WCRP Rule 8-2.

3. Whether Claimant has demonstrated by a preponderance of the evidence that he is entitled to reasonable, necessary and causally related medical benefits for his March 25, 2024 industrial injuries.

4. Whether Claimant has proven by a preponderance of the evidence that he is entitled to receive Temporary Total Disability (TTD) benefits.

5. Whether Claimant has demonstrated by a preponderance of the evidence that he is entitled to receive Temporary Partial Disability (TPD) benefits.

6. Whether Respondents have established by a preponderance of the evidence that Claimant was responsible for his June 5, 2024 termination from employment under §§8-42-105(4) & 8-42-103(1)(g) C.R.S. (collectively "termination statutes") and is thus precluded from receiving TTD benefits.

FINDINGS OF FACT

1. Claimant worked for Employer as a Lead Carpenter. On March 25, 2024 Claimant ran out of materials he needed to complete a project. He thus drove to Home Depot to obtain supplies.

2. After Claimant completed his shopping, he exited the Home Depot pushing a flat-bed cart through the parking lot. However a pickup truck struck Claimant and the flat-bed cart. The impact knocked Claimant back about 5 or 6 feet and he fell to the ground.

3. Claimant testified that, when he was struck by the truck, he flung his left arm behind him to brace his fall. He remarked that he impacted the ground with his left wrist while his left arm was extended. The force of the impact extended up through his left shoulder.

4. EMT personnel arrived at the scene and transported Claimant to Good Samaritan Emergency Department. The EMT reports reflect that Claimant noted

symptoms to his right hip, right back and right wrist. Claimant did not report any injuries to his left upper extremity.

5. A physical examination and diagnostic imaging at the Emergency Department revealed normal findings with no acute injuries. Claimant was then discharged to home care.

6. Claimant explained that, over the course of several days after the accident, he began experiencing significant symptoms and functional deficits in his left arm, wrist and shoulder.

7. Claimant commented that his supervisor Mr. Brock had contacted him and asked if he could return to work. Claimant responded that he was unable to lift his saw, but Mr. Brock noted he could provide Claimant with an assistant to help perform his job duties as a carpenter. Claimant remarked that Ronald Martinez was assigned to assist him with various job tasks including lifting heavy items.

8. Employer's Office Manager Cheryl Swihart confirmed that, after taking one day off on Sunday, March 25, 2024 following the Home Depot incident, Claimant returned to full duty work on Monday, March 26, 2024. He worked regular shifts and hours until his termination on June 5, 2024. Claimant had no ongoing symptoms and did not request additional medical care. There was also no indication that Claimant was suffering from left shoulder, left elbow, or left upper extremity symptoms. Claimant did not lose any wages between the date of injury and his date of termination, other than the day following the accident. He did not miss three regular work shifts.

9. Employer's Project Manager Eric Didlott testified at the hearing. He worked with Claimant following the March 25, 2024 work accident. Mr. Didlott did not observe any ongoing complaints, symptoms or limitations in Claimant's left shoulder, left elbow, or left upper extremity.

10. Employer's Project Manager Zachary Brock also testified at the hearing. He explained that Claimant did not report any symptoms after the Home Depot accident. Mr. Brock commented that he never provided Claimant with a helper to complete his job duties. However, he recognized that he occasionally had an employee work with Claimant for purposes of training, Nevertheless, it would not have made sense to assign Claimant to jobs where he needed assistance because Claimant was Employer's most expensive employee,

11. On June 5, 2024 Claimant was terminated based on two specific incidents. On June 4, 2024 Mr. Brock was present when Claimant came into the office and confronted owner Omar Ashour about tires on his work vehicle. He noted that Claimant had become upset and argumentative, accusing Mr. Ashour of not taking care of his truck. The incident occurred in front of other coworkers and subcontractors. On June 5, 2024 Mr. Brock received a call from a client who reported feeling unsafe in her own home due to Claimant's aggressive conduct regarding a microwave installation. She was not

comfortable and told Claimant to leave. Mr. Brock noted the two preceding scenarios were sufficient grounds for termination. Ms. Swihart also commented that Claimant would have understood the reasons for his termination. She noted that the Employee Handbook included sections outlining work ethic and etiquette. Specifically, the Handbook at Respondents' Exhibit J, page 11, provides that employees must maintain a certain level of courtesy and professionalism at all times, including interactions with customers and colleagues. A failure to abide by these directives could result in termination.

12. The record reflects that Claimant suffered from a pre-existing left upper extremity condition. Medical records dated February 16, 2024 from Lone Tree Family Practice, or about five weeks before the Home Depot incident, reveal that Claimant's chief complaints were elbow pain, bilateral shoulder pain and finger pain. The condition had been occurring periodically for years but was now unrelenting. Claimant also had burning down his left arm for one week prior to his visit. Claimant underwent a left shoulder x-ray and was referred for physical therapy for range of motion limitations in the left shoulder.

13. The medical records also reveal that Claimant did not seek any additional medical care for his March 25, 2024 work injury until June 11, 2024 or almost six weeks after the accident and six days after his termination. On June 11, 2024 Claimant visited his Primary Care Physician (PCP) at Lone Tree Family Practice. He reported that he was experiencing pain and limited range of motion in his left shoulder. Claimant underwent a left shoulder MRI to assess his condition.

14. On June 20, 2024 Claimant visited Peak Orthopedics/Advent Health Orthopedics for an examination. He was evaluated by Physician Assistant Kristen Bradley. Claimant reported that his left shoulder pain began five months earlier without specific injury or trauma. However, PA-C Bradley noted "within the last six weeks he had been hit by a car in a parking lot on an outstretched left arm with worsening symptoms since then." Claimant mentioned he had undergone multiple forms of conservative management including rest, ice and heat, anti-inflammatory medication, activity modification and physical therapy without improvement. PA-C Bradley noted the MRI revealed "high-grade bursal sided near full thickness tear supraspinatus infraspinatus tendinosis subscapularis tendinosis with low-grade partial tear long head of biceps tendinosis with medial subluxation tearing superior and inferior aspects of labrum with adjacent paralabral cyst. AC joint DJD." She remarked that the MRI correlated with Claimant's symptoms and recommended surgery in the form of arthroscopic rotator cuff repair, subacromial decompression, distal clavicle excision, and biceps tendonesis.

15. On June 28, 2024 Claimant underwent left shoulder surgery with Mark Fitzgerald, M.D. Following the successful left upper extremity surgery, Dr. Fitzgerald recommended a course of physical therapy with Select Physical Therapy. However, Claimant was unable to complete physical therapy because Respondents denied the claim.

16. On July 22, 2024 Claimant filed his claim for compensation. The filing occurred almost one month after his left shoulder surgery and about six weeks after his termination. On August 15, 2024 the matter was placed on a Notice of Contest for initial investigation and review of medical records.

17. Based on Claimant's left elbow symptoms, Dr. Fitzgerald referred Claimant to specialist In Sok Yi, M.D. who worked in Dr. Fitzgerald's office. On November 18, 2024 Claimant began obtaining treatment with Dr. Sok Yi at Advent Health Medical Group, Orthopedics & Spine at Inverness (a name change from Peak Orthopedics). Claimant reported numbness and tingling in his left ring and small finger as well as pain in his left elbow that started a few weeks after his work accident. Claimant underwent an elbow joint injection and was directed to proceed with an MRI. Because Claimant was also developing cubital tunnel syndrome, Dr. Sok Yi recommended EMG testing.

18. Claimant completed the recommended imaging of his left elbow. Based on the results, Dr. Sok Yi diagnosed Claimant with a tendon tear in his left elbow and recommended surgery following an unsuccessful course of steroid injections. Dr. Sok Yi has specifically requested authorization for a left cubital tunnel release, a left elbow arthroscopy with joint debridement, and debridement of the lateral epicondylitis. Respondents denied the surgical request.

19. Claimant testified at the hearing. He explained that, following the March 25, 2024 work accident, he took one day off from work and returned to full duty on the following day. Claimant commented that Employer provided him with helper Ronald Martinez because he could not carry his saw due to his ongoing symptoms. Claimant ultimately underwent left shoulder surgery and left elbow surgery that provided some relief.

20. Regarding his June 5, 2024 termination, Claimant acknowledged he was informed that the action involved a disagreement with a customer. He was aware that the owner of a home where he was working, had gotten upset with him after he had told her to just let him finish his job. Claimant denied being angry with her or arguing. He also acknowledged that one day earlier, on June 4, 2024, he had a disagreement with Employer's owner Mr. Ashour. Claimant explained he was getting flat tires on his work truck and attempting to obtain new tires. He had anticipated receiving new tires from Employer but found that Employer had merely placed temporary patches. The tires remained bald. Claimant thus confronted Mr. Ashour in the office while in the presence of other employees and subcontractors. He confirmed that he was aware his actions could warrant termination and told his wife that he might be fired.

21. On October 24, 2024 Claimant underwent an Independent Medical Examination (IME) with Qing-Min Chen, M.D. He reviewed Claimant's medical records and conducted a physical examination. Dr. Chen noted that Claimant's mechanism of injury involved pushing a flat-bed cart while exiting a Home Depot. A pickup truck struck Claimant's flat-bed cart and knocked him back five to six feet. Claimant caught himself on the pavement with his outstretched left arm. At the emergency room Claimant noted

severe right lateral hip pain where he was struck by the cart, Imaging did not reveal any fractures and Claimant was discharged home. Dr. Chen diagnosed Claimant with a left shoulder high-grade, bursal-sided supraspinatus tendon tear, left shoulder impingement syndrome with rotator cuff tendinosis, and left shoulder degenerative biceps tendinosis with medial subluxation. All of the conditions were pre-existing and not related to the Home Depot incident.

22. Based on the history provided, Dr. Chen did not believe Claimant suffered a traumatic rotator cuff tear or aggravation on March 25, 2024. He explained that traumatic rotator cuff tears are very painful and symptomatic. An individual would not ignore the symptoms for about three months. Based on Claimant's delay in treatment from March until June, Dr. Chen determined his left shoulder symptoms constituted "a natural progression of his underlying disease process more so than anything that is related to his occupation." Moreover, a medical record from June 25, 2024 revealed that Claimant began having left shoulder pain without any specific injury or trauma about five months earlier. Dr. Chen remarked that the symptoms were consistent with both impingement syndrome and a likely bursal-sided tear. He explained that, as the shoulder continues to impinge on itself over time, the acromion will start cutting in on the bursal side of the rotator cuff. Based on Claimant's chronology of symptoms, he suffered from a pre-existing left shoulder condition unrelated to the Home Depot accident.

23. In reviewing additional medical records on February 25, 2025, Dr. Chen addressed Claimant's left elbow symptoms. He remarked that Claimant did not report his left elbow condition until approximately August 2024 or about five months after the Home Depot incident. Dr. Chen explained that there was no evidence of a tendon tear pulling itself off a bone, or other indication of a traumatic injury. There was also no evidence of an aggravation of Claimant's pre-existing left elbow osteoarthritis. Dr. Chen summarized that cubital and carpal tunnel syndrome are idiopathic conditions that do not occur from traumatic injuries. The March 25, 2024 accident at Home Depot did not cause or change Claimant's cubital and carpal tunnel syndrome. Claimant's need for elbow surgery or cubital and carpal tunnel releases is thus not causally related to his work accident.

24. On March 14, 2025 the parties conducted the post-hearing evidentiary deposition of Dr. Chen. He maintained that Claimant's left upper extremity symptoms were not causally related to the March 25, 2024 Home Depot accident. Moreover, the incident did not aggravate Claimant's pre-existing left upper extremity conditions. Dr. Chen detailed that Claimant had subjective complaints of left shoulder and elbow pain prior to the accident. Even a couple of weeks prior to the event Claimant described the same constellation of symptoms. Importantly, on March 25, 2024 Claimant fell on his right-hand side and right arm and did not report left upper extremity symptoms on the date of the incident. After considering MRIs of the left shoulder and elbow, Dr. Chen determined there was no evidence of left upper extremity trauma from the March 25, 2024 accident. He also reiterated that Claimant suffered from left upper extremity degenerative, idiopathic, or overuse conditions.

25. Claimant has failed to establish it is more probably true than not that he suffered compensable left upper extremity injuries during the course and scope of his employment on March 25, 2024. Initially, Claimant testified that, when he was struck by the truck on March 25, 2024, he flung his left arm behind him to brace his fall. He remarked that he impacted the ground with his left wrist while his left arm was extended. The force of the impact extended up through his left shoulder. However, EMT reports reflect that Claimant only noted symptoms to his right hip, right back and right wrist. Claimant did not report any injuries to his left shoulder, left elbow or left upper extremity. A physical examination and diagnostic imaging in the emergency room revealed normal findings. Claimant was then discharged to home care. Claimant now contends that he suffered left upper extremity injuries to his shoulder and elbow that required surgical treatment. Because the bulk of the evidence, credible testimony and persuasive medical opinions reflect that Claimant did not suffer any left upper extremity injuries or an aggravation of his condition on March 25, 2024, his claim fails.

26. The record reveals that Claimant has a history of pre-existing left upper extremity symptoms. Medical records dated February 16, 2024 from Lone Tree Family Practice, or about five weeks before the Home Depot incident, reveal that Claimant's chief complaints were elbow pain, bilateral shoulder pain and finger pain. The condition had been occurring periodically for years but had now become unrelenting. Claimant received treatment for his condition including x-rays and other related care. Moreover, on June 20, 2024 Claimant visited Peak Orthopedics/Advent Health Orthopedics and reported that his left shoulder pain began five months earlier without specific injury or trauma. The record thus demonstrates that Claimant had been experiencing left upper extremity symptoms prior to the March 25, 2024 Home Depot incident that were similar to those described days after the event.

27. Claimant also did not report any left-sided injuries on March 25, 2024. All representations to the EMTs and medical providers limited his symptoms to his right hip and possibly right hand. Claimant confirmed that he did not have symptoms to the left side of his body or his extremities until days after the incident. The medical records also reveal that Claimant did not seek any additional medical care for his March 25, 2024 work injury until June 11, 2024 or almost six weeks after the accident and six days after his termination. On June 11, 2024 Claimant visited his PCP and reported that he was experiencing pain and limited range of motion in his left shoulder. It is unlikely that Claimant would have suffered a significant traumatic rotator cuff tear or elbow hyperextension and delay seeking treatment from March until June. Moreover, Claimant did not report his left elbow symptoms until approximately August 2024 or about five months after the Home Depot incident. When Claimant disclosed his symptoms to Dr. Sok Yi he did not relate them to any trauma from March 25, 2024.

28. Employer witnesses credibly testified that Claimant did not report any ongoing symptoms, limitations, or otherwise request additional medical care after March 25, 2024. Claimant did not demonstrate any evidence of left-sided limitations or injuries after returning to full duty work. Moreover, Mr. Brock credibly commented that he never

provided Claimant with a helper to complete his job duties. Although Claimant acknowledged that he only took one day off after the Home Depot accident and then returned to full duty work, he remarked that Employer provided him with a helper to complete his tasks because of ongoing symptoms. However, Claimant's testimony is simply not credible because the record reveals he did not mention any continuing symptoms to Employer. Furthermore, Mr. Brock recognized that he occasionally had an employee work with Claimant for purposes of training, but it did not make sense to assign Claimant to jobs where he needed assistance because he was Employer's most expensive employee,

29. The persuasive expert medical opinion of Dr. Chen also reflects that Claimant did not likely injure his left upper extremity, including his shoulder and elbow, on March 25, 2024. Dr. Chen maintained that Claimant's left upper extremity symptoms were not causally related to the March 25, 2024 Home Depot accident. Based on the history from March 25, 2024, Dr. Chen did not believe Claimant suffered a traumatic rotator cuff tear or aggravation. He explained that traumatic rotator cuff tears are very painful and symptomatic. An individual would not ignore the symptoms for about three months. Based on Claimant's delay in treatment from March until June, Dr. Chen determined his left shoulder symptoms constituted "a natural progression of his underlying disease process more so than anything that is related to his occupation." Moreover, a medical record from June 25, 2024 revealed that Claimant began having left shoulder pain without any specific injury or trauma about five months earlier. Similarly, Dr. Chen addressed Claimant's left elbow and reasoned that cubital and carpal tunnel syndrome are idiopathic conditions that do not occur from traumatic events. The March 25, 2024 accident at Home Depot did not cause or alter Claimant's cubital and carpal tunnel syndrome. Claimant's need for elbow surgery or cubital and carpal tunnel releases is thus not causally related to his work accident. Dr. Chen summarized that the Home Depot accident did not aggravate Claimant's left upper extremity degenerative or idiopathic pre-existing conditions.

30. Although Claimant contended that he injured his left upper extremity when he was struck by a truck in a Home Depot parking lot on March 25, 2024, the bulk of the evidence does not support his contention. He has failed to demonstrate it is more probably true than not that the Home Depot accident proximately caused his left upper extremity conditions. The record also reveals that the accident did not aggravate, accelerate, or combine with Claimant's pre-existing conditions to produce a need for medical treatment. Accordingly, Claimant's request for Workers' Compensation benefits is denied and dismissed.

CONCLUSIONS OF LAW

1. The purpose of the "Workers' Compensation Act of Colorado" (Act) is to assure the quick and efficient delivery of disability and medical benefits to injured workers at a reasonable cost to employers, without the necessity of any litigation. §8-40-102(1), C.R.S. A claimant in a Workers' Compensation claim has the burden of proving entitlement to benefits by a preponderance of the evidence. §8-42-101, C.R.S. A preponderance of the evidence is that which leads the trier-of-fact, after considering all of the evidence, to find that a fact is more probably true than not. *Page v. Clark*, 197 Colo.

306, 592 P.2d 792 (1979); *People v. M.A.*, 104 P.3d 273, 275 (Colo. App. 2004). The facts in a Workers' Compensation case are not interpreted liberally in favor of either the rights of the injured worker or the rights of the employer. §8-43-201, C.R.S. A Workers' Compensation case is decided on its merits. §8-43-201, C.R.S.

2. The Judge's factual findings concern only evidence that is dispositive of the issues involved; the Judge has not addressed every piece of evidence that might lead to a conflicting conclusion and has rejected evidence contrary to the above findings as unpersuasive. *See Magnetic Engineering, Inc. v. ICAO,* 5 P.3d 385, 389 (Colo. App. 2000).

3. When determining credibility, the fact finder should consider, among other things, the consistency or inconsistency of the witness's testimony and actions; the reasonableness or unreasonableness (probability or improbability) of the testimony and actions; the motives of the witness; whether the testimony has been contradicted; and bias, prejudice, or interest. *See Prudential Insurance Co. v. Cline*, 98 Colo. 275, 57 P.2d 1205 (1936); CJI, Civil 3:16 (2007).

4. For a claim to be compensable under the Act, a claimant has the burden of proving that he suffered a disability that was proximately caused by an injury arising out of and within the course and scope of employment. §8-41-301(1)(c) C.R.S.; *In re Swanson,* W.C. No. 4-589-645 (ICAO, Sept. 13, 2006). Proof of causation is a threshold requirement that an injured employee must establish by a preponderance of the evidence before any compensation is awarded. *Faulkner v. Indus. Claim Appeals Off.,* 12 P.3d 844, 846 (Colo. App. 2000); *Singleton v. Kenya Corp.,* 961 P.2d 571, 574 (Colo. App. 1998). The question of causation is generally one of fact for determination by the Judge. *Faulkner,* 12 P.3d at 846.

5. A pre-existing condition or susceptibility to injury does not disqualify a claim if the employment aggravates, accelerates or combines with the pre-existing condition to produce a need for medical treatment. *Duncan v. Indus. Claim Appeals Off.,* 107 P.3d 999, 1001 (Colo. App. 2004). A compensable injury is one that causes disability or the need for medical treatment. *City of Boulder v. Payne*, 162 Colo. 345, 426 P.2d 194 (1967); *Mailand v. PSC Indus. Outsourcing LP*, W.C. No. 4-898-391-01, (ICAO, Aug. 25, 2014).

6. The mere fact a claimant experiences symptoms while performing work does not require the inference that there has been an aggravation or acceleration of a pre-existing condition. *See Cotts v. Exempla, Inc.,* W.C. No. 4-606-563 (ICAO, Aug. 18, 2005). Rather, the symptoms could represent the "logical and recurrent consequence" of the pre-existing condition. *See F.R. Orr Construction v. Rinta,* 717 P.2d 965 (Colo. App. 1985); *Chasteen v. King Soopers, Inc.*, W.C. No. 4-445-608 (ICAO, Apr. 10, 2008). As explained in *Scully v. Hooters of Colorado Springs,* W.C. No. 4-745-712 (ICAO, Oct. 27, 2008), simply because a claimant's symptoms arise after the performance of a job function does not necessarily create a causal relationship based on temporal proximity. The panel in *Scully* noted that "correlation is not causation," and merely because a coincidental correlation exists between the claimant's work and his symptoms does not mean there is a causal connection between the claimant's injury and work activities.

7. As found, Claimant has failed to establish by a preponderance of the evidence that he suffered compensable left upper extremity injuries during the course and scope of his employment on March 25, 2024. Initially, Claimant testified that, when he was struck by the truck on March 25, 2024, he flung his left arm behind him to brace his fall. He remarked that he impacted the ground with his left wrist while his left arm was extended. The force of the impact extended up through his left shoulder. However, EMT reports reflect that Claimant only noted symptoms to his right hip, right back and right wrist. Claimant did not report any injuries to his left shoulder, left elbow or left upper extremity. A physical examination and diagnostic imaging in the emergency room revealed normal findings. Claimant was then discharged to home care. Claimant now contends that he suffered left upper extremity injuries to his shoulder and elbow that required surgical treatment. Because the bulk of the evidence, credible testimony and persuasive medical opinions reflect that Claimant did not suffer any left upper extremity injuries or an aggravation of his condition on March 25, 2024, his claim fails.

8. As found, the record reveals that Claimant has a history of pre-existing left upper extremity symptoms. Medical records dated February 16, 2024 from Lone Tree Family Practice, or about five weeks before the Home Depot incident, reveal that Claimant's chief complaints were elbow pain, bilateral shoulder pain and finger pain. The condition had been occurring periodically for years but had now become unrelenting. Claimant received treatment for his condition including x-rays and other related care. Moreover, on June 20, 2024 Claimant visited Peak Orthopedics/Advent Health Orthopedics and reported that his left shoulder pain began five months earlier without specific injury or trauma. The record thus demonstrates that Claimant had been experiencing left upper extremity symptoms prior to the March 25, 2024 Home Depot incident that were similar to those described days after the event.

9. As found, Claimant also did not report any left-sided injuries on March 25, 2024. All representations to the EMTs and medical providers limited his symptoms to his right hip and possibly right hand. Claimant confirmed that he did not have symptoms to the left side of his body or his extremities until days after the incident. The medical records also reveal that Claimant did not seek any additional medical care for his March 25, 2024 work injury until June 11, 2024 or almost six weeks after the accident and six days after his termination. On June 11, 2024 Claimant visited his PCP and reported that he was experiencing pain and limited range of motion in his left shoulder. It is unlikely that Claimant would have suffered a significant traumatic rotator cuff tear or elbow hyperextension and delay seeking treatment from March until June. Moreover, Claimant did not report his left elbow symptoms until approximately August 2024 or about five months after the Home Depot incident. When Claimant disclosed his symptoms to Dr. Sok Yi he did not relate them to any trauma from March 25, 2024.

10. As found, Employer witnesses credibly testified that Claimant did not report any ongoing symptoms, limitations, or otherwise request additional medical care after March 25, 2024. Claimant did not demonstrate any evidence of left-sided limitations or injuries after returning to full duty work. Moreover, Mr. Brock credibly commented that he never provided Claimant with a helper to complete his job duties. Although Claimant acknowledged that he only took one day off after the Home Depot accident and then

returned to full duty work, he remarked that Employer provided him with a helper to complete his tasks because of ongoing symptoms. However, Claimant's testimony is simply not credible because the record reveals he did not mention any continuing symptoms to Employer. Furthermore, Mr. Brock recognized that he occasionally had an employee work with Claimant for purposes of training, but it did not make sense to assign Claimant to jobs where he needed assistance because he was Employer's most expensive employee,

11. As found, the persuasive expert medical opinion of Dr. Chen also reflects that Claimant did not likely injure his left upper extremity, including his shoulder and elbow, on March 25, 2024. Dr. Chen maintained that Claimant's left upper extremity symptoms were not causally related to the March 25, 2024 Home Depot accident. Based on the history from March 25, 2024, Dr. Chen did not believe Claimant suffered a traumatic rotator cuff tear or aggravation. He explained that traumatic rotator cuff tears are very painful and symptomatic. An individual would not ignore the symptoms for about three months. Based on Claimant's delay in treatment from March until June, Dr. Chen determined his left shoulder symptoms constituted "a natural progression of his underlying disease process more so than anything that is related to his occupation." Moreover, a medical record from June 25, 2024 revealed that Claimant began having left shoulder pain without any specific injury or trauma about five months earlier. Similarly, Dr. Chen addressed Claimant's left elbow and reasoned that cubital and carpal tunnel syndrome are idiopathic conditions that do not occur from traumatic events. The March 25, 2024 accident at Home Depot did not cause or alter Claimant's cubital and carpal tunnel syndrome. Claimant's need for elbow surgery or cubital and carpal tunnel releases is thus not causally related to his work accident. Dr. Chen summarized that the Home Depot accident did not aggravate Claimant's left upper extremity degenerative or idiopathic pre-existing conditions.

12. As found, although Claimant contended that he injured his left upper extremity when he was struck by a truck in a Home Depot parking lot on March 25, 2024, the bulk of the evidence does not support his contention. He has failed to demonstrate by a preponderance of the evidence that the Home Depot accident proximately caused his left upper extremity conditions. The record also reveals that the accident did not aggravate, accelerate, or combine with Claimant's pre-existing conditions to produce a need for medical treatment. Accordingly, Claimant's request for Workers' Compensation benefits is denied and dismissed.

ORDER

Claimant's request for Workers' Compensation benefits is denied and dismissed.

If you are a party dissatisfied with the Judge's order, you may file a Petition to Review the order with the Denver Office of Administrative Courts, 1525 Sherman Street, 4th Floor, Denver, Colorado, 80203. You must file your Petition to Review within twenty (20) days after mailing or service of the order, as indicated on certificate of mailing or service; otherwise, the Judge's order will be final. You may file the Petition to Review by mail, as long as the certificate of mailing attached to your petition shows: (1) That you mailed it within twenty (20) days after mailing or service of the order of the Judge; and (2) That you mailed it to the above address for the Denver Office of Administrative Courts. *For statutory reference, see section 8-43-301(2), C.R.S. (as amended, SB09-070). For further information regarding procedures to follow when filing a Petition to Review, see Rule 26, OACRP. You may access a form for a petition to review at https://oac.colorado.gov/resources/oac-forms.*

DATED: April 18, 2025.

DIGITAL SIGNATURE:

Peter J. Cannici

Peter J. Cannici
Administrative Law Judge
Office of Administrative Courts
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Denver, CO 80203