

# The 5-Week Gap: Evidence of Untreated Workplace Injury

DWC Claim #25218944 | DOI: 01/30/2025

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## Overview

Between January 30, 2025 (date of workplace fall) and March 2, 2025 (hospitalization at Memorial Hermann TMC), the claimant worked approximately 5 weeks with an untreated compression fracture of the L5 vertebra. This gap is central to the case for four reasons:

1. **It explains the fracture progression** — the Dec 2024 MRI showed 20% height loss; the March 2025 MRI showed 30%. Continued weight-bearing on an acute fracture for 5 weeks caused additional compression.
  2. **It establishes employer negligence** — HISD failed to file a DWC-1 injury report, failed to inform the claimant of his workers' compensation rights, and failed to document the incident at all, despite the school nurse examining him on the day of the fall.
  3. **It refutes the carrier's "pre-existing" defense** — a truly pre-existing, stable condition would not have produced the acute bone marrow edema found on the March 3, 2025 MRI. The edema is consistent with a recent traumatic event followed by continued mechanical stress over 5 weeks.
  4. **Misinformation prevented timely care** — The claimant was verbally told at Memorial Hermann during the March hospitalization that he could not file a workers' compensation claim. While not documented in writing, the hospital's own records show the claimant left AMA not because he wasn't injured but because he was a teacher who lived alone with no savings and couldn't afford 3 months of unpaid recovery. After discharge, the claimant was caught in a closed-door loop: his back doctor's office said "if this is WC you have to use their doctors," while the OIEC ombudsman said to use private insurance. No one would see him. The claimant believed the case was dead after the initial BRC and did not know the claim was still active until he was notified of an upcoming hearing approximately 10 months later. The DWC-154 complaints he filed prove he was actively trying to get the claim recognized while HISD took no action.
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## What Happened

### January 30, 2025 — The Fall

During a fire drill at Westbury High School, the claimant tripped on a bunched-up floor mat near the exit doors of the 600s wing at approximately 9:00-9:10 AM. He fell to the ground and remained down for more than a few seconds. Colleague Seth Dewart witnessed the aftermath and confirmed the bunched mat was still displaced when staff returned inside. The school nurse examined the claimant, but no incident report was filed.

- **Witness:** Seth Dewart (email to HISD admin William Mader, 3/6/2025)
- **Additional potential witnesses named by Dewart:** Ms. Canady, Officer Turner, Brooks, Sanders
- **Security cameras:** Dewart noted the fall "would be visible if we have cameras on those double doors"

### January 31 – March 1, 2025 — Working Through It

The claimant returned to classroom teaching and continued working for approximately 5 weeks. He was unaware he had a workers' compensation claim because HISD never informed him. During this period:

- He was weight-bearing on an acute L5 compression fracture
- He received no medical treatment for the back injury
- He continued his normal teaching duties
- The fracture progressed from 20% to 30% height loss (per MRI comparison)

### **March 2, 2025 — Collapse and Hospitalization**

The claimant collapsed at work and was admitted to Memorial Hermann TMC. Key documentation from the hospital records:

- **After Visit Summary, Page 1:** "*Patient endorses falling at his school week ago.*" — Proves the fall was reported to doctors during crisis, before any formal claim. The story has never changed.
- **After Visit Summary, Page 2:** "*NSGY spine recommended I&D but the patient refused as he is a school teacher, lives alone, no financial savings, and he needs 3 months for recovery post op, that's why he wants to be discharged on ABX and get the surgery done in the Summer.*" — Proves AMA discharge was financial desperation, not absence of injury.

An MRI on March 3, 2025 revealed:

- L5 fracture progression to 30% height loss (was 20% in December)
- NEW retrolisthesis at L3-L4 (absent in December)
- ACUTE bone marrow edema at L5 (absent in December)
- ICD-10 code M48.56XA — "initial encounter" = hospital classified this as a NEW injury

### **The Employer's Failures During the Gap**

Obligation	What HISD Did
File DWC-1 within 8 days of learning of injury	Never filed
Inform employee of WC rights	Never informed
File incident report	Never filed
Respond to Dewart's 3/6/25 email to Mader	Never responded

These failures are the subject of DWC-154 complaints (PRI# 418963, 418964), to which the DWC responded by sending HISD an "education letter" on 3/26/2025.

### **Medical Significance of the Gap**

The 5-week gap between injury and treatment is medically significant because:

1. **Bone marrow edema persisted** — still visible on the March 3 MRI, 32 days post-fall. Edema from a fall typically resolves within weeks IF the patient is immobilized. Continued weight-bearing extended the inflammatory response.
2. **Fracture progression occurred** — 50% increase in height loss (20% to 30%) is consistent with continued mechanical loading on an acutely fractured vertebra. This would not occur in a stable, pre-existing fracture.
3. **The treating hospital agreed** — Memorial Hermann coded the encounter as M48.56XA ("initial encounter"), meaning their clinical judgment was that this was a NEW injury event, not management of a known condition.

*This summary is Section 02 of the Trimble/BRC package. The MRI comparison table (Section 03) provides the radiological proof; this document provides the narrative context for WHY the gap matters.*