

VIRGINIA:
IN THE WORKERS' COMPENSATION COMMISSION

Opinion by MARSHALL
Commissioner

Aug. 7, 2026

MAURICIO VASQUEZ RIVAS v. US GENERAL SERVICES LLC
MASSACHUSETTS BAY INS CO, Insurance Carrier
MASSACHUSETTS BAY INSURANCE COMPANY, Claim Administrator
Jurisdiction Claim No. VA00002328626
Claim Administrator File No. 8300155843
Date of Injury: March 31, 2025

Kathleen G. Walsh, Esquire
For the Claimant.

Robert W. Burton, Esquire
For the Defendants.

REVIEW on the record by Commissioner Marshall, Commissioner Newman, and Commissioner Rapaport at Richmond, Virginia.

The claimant requests review of the Deputy Commissioner's January 21, 2026 Opinion denying his claim alleging a compensable injury by accident. We REVERSE the January 21, 2026 Opinion and REMAND this matter to the Deputy Commissioner.

I. Material Proceedings

The claimant filed a Request for Hearing on August 1, 2025, alleging that he sustained a compensable injury by accident to his left leg, left knee, and left ankle on March 31, 2025. He wrote that "foot stepped in hole in ground[.]" The claimant sought an award of medical benefits and temporary total disability benefits from April 1, 2025 through April 30, 2025.¹

¹ While the claimant originally requested temporary total disability benefit from March 31, 2025 and continuing in his August 1, 2025 Request for Hearing, he amended the claim in his completed Pre-Hearing Statement Response. (Comm.'s Ex. 1.)

The Deputy Commissioner conducted an evidentiary hearing on January 13, 2026. The defendants asserted the defense that there was no injury by accident arising out of the employment. The parties' Pre-Hearing Statement Response, filed on January 3, 2026, noted that the parties agreed that "Claimant injured his left leg/knee/ankle when he stepped in or on a defect in the surface he was walking on." (Comm.'s Ex. 1.)² The Deputy Commissioner found that the claimant failed to prove a compensable injury by accident. She elaborated:

Through his hearing testimony, the claimant's version of why he fell at work on March 31, 2025 relates only to a slip and fall, and he testified that the substance causing the fall was grease or oil. This account is nowhere reflected in the medical records. In various portions of the medical records, with different providers taking the histories, the account of why the claimant fell is entirely different.

When seen on March 31, 2025, at Prince William emergency department, the medical records indicate: "pt tripped in pothole today and now complains of bilateral knee pain 10/10." In another portion of the records the cause of the fall was described as "patient was walking when he tripped over a concrete surface and twisted his left knee." The records further indicate that the claimant "denies any direct trauma or fall-related injury to the knee." Several days later, the claimant treated at Kaiser Permanente. The description to his providers on April 3, 2025 was that he "fell in a hole in the ground" on March 31, 2025.

While the FROI indicates "slipped" and lists the location as the same part of the airport that the claimant testified to, this is not enough to support a compensable injury. If we believed the claimant that there was no defect and that he slipped on something greasy, while in an employee access area of the airport, then he would be placed at a greater risk than the general public. However, we do not find the claimant's testimony to be persuasive. The contemporaneous accounts of the cause of the injury within the medical records are not akin to slipping on grease. As a general principle, the Commission need not accept contradictory evidence.

² The parties also stipulated to the claimant's average weekly wage.

We acknowledge that the parties' stipulations include a defect in the surface the claimant was walking on. However, the claimant's own testimony contradicts a defect. On cross examination, the claimant was asked if the area he walked on when he fell was a smooth surface with no damage, and the claimant responded that he only noticed that it was slippery. The claimant has the burden of proving what happened, and here we find the evidence to be speculative.

Moreover, a review of the medical records indicates at least three citations to interpreters used by the medical providers. The emergency department notes listed the names of the interpreters used, and other references indicate face-to-face interpretation. Therefore, we are not persuaded that the vast difference in the accounts of how the accident happened [was] due to misunderstanding.

(Op. 3-5.)

The claimant timely requested review.

II. Findings of Fact and Rulings of Law³

On appeal, the claimant asserted that the Deputy Commissioner improperly rejected the parties' stipulation that there was a defect on the surface, i.e., it was slippery. The claimant also asserted that the Deputy Commissioner erred in relying upon the medical histories to deny the claim. We agree and find the claimant satisfied his burden of proof.

The burden is upon the claimant to prove by a preponderance of the evidence that he sustained a compensable injury. *Va. Dep't of Transp. v. Mosebrook*, 13 Va. App. 536, 537 (1992) (citing *Woody v. Mark Winkler Mgmt., Inc.*, 1 Va. App. 147, 150 (1985)). A compensable injury is an injury by accident arising out of and in the course of the employment. Va. Code § 65.2 101. "The phrase arising 'in the course of' refers to the time, place, and circumstances under which the

³ We have reviewed the record in its entirety and recite the facts herein only to the extent necessary to explain our reasoning. We have not considered evidence discussed within the defendants' written statement. The evidence was not presented to the Deputy Commissioner and does not meet the requirements of acceptance of after-discovered evidence.

accident occurred[.]" while "arising 'out of' refers to the origin or cause of the injury." *Cty. of Chesterfield v. Johnson*, 237 Va. 180, 183 (1989).

At the hearing, the claimant testified to walking on a hallway in the airport which was not accessible to the general public.⁴ He stated that one section was flat "and then comes inclined like a ramp where it was the greasy substance towards the elevator." (Tr. 7.) The claimant stated that restaurant workers used the ramp to transport their trash. He said he fell "when I was walking through that . . . section, that ramp, that it was slippery and I fell" on his left side. (Tr. 7.) The claimant described that "when I fell, I immediately put my hand on the side and I felt the surface, it was a . . . greasy, oily substance on my hand[.]" (Tr. 7.) He felt left knee pain. The claimant agreed that he slipped on the greasy, oily substance. The claimant continued working, but as the pain increased, he stopped and sought medical treatment.

During cross-examination, the claimant agreed that a slippery substance caused his fall. He denied that there was a hole or defect in the pavement and continued, "[I]t is a surface that is inclined. It's like a ramp where I fell." (Tr. 11.) When asked if the surface was smooth and free from damage, the claimant responded, "The only thing that I noticed, it was slippery." (Tr. 11.)

The pertinent medical records reflect several histories of the incident. On March 31, 2025, the claimant was seen at UVA University Hospital East's emergency department. A health care provider's note indicated that "pt tripped in pothole today and now complains of bilateral knee pain...[.]" Another note from the same medical record reported that "The patient was walking when he tripped over a concrete surface and twisted his left knee. . . . He denies any direct trauma

⁴ The claimant testified through an interpreter.

or fall-related injury to the knee[.]” The emergency room records indicate that face-to-face interpretation was provided during the triage, “QL Check-in process,” and provider assessment.

On April 3, 2025, the claimant treated with Kaiser Permanente and the orthopedic specialist recorded that the claimant “fell in a hole in the ground” and that he suffered “left knee pain after falling at work He states the fall was violent and he was twisted over his knee.” The April 3, 2025 report also indicated that the visit was conducted in Spanish. The claimant described falling at work.

The First Report of Injury filed on April 3, 2025 described that the claimant “SLIPPED AND FELL IN THE HALLWAY TO THE ELEVATOR TO B TRAIN STATION.”

The claimant had the burden of proving, by a preponderance of the evidence, that “the conditions of the workplace or some significant work related exertion caused the injury.” *Plumb Rite Plumbing Serv. v. Barbour*, 8 Va. App. 482, 484 (1989). In determining whether the claimant met his burden, we cannot ignore the parties’ stipulation. Stipulations are “accorded a special place in the hearing process” *Britt v. On Mark*, VWC File No. 197-87-72 (May 14, 2001). “Courts have long encouraged parties to stipulate to undisputed issues[.]” as “[s]uch stipulations focus courts on issues that are actually in dispute and promote judicial economy by limiting the issues that are subject to the taking of evidence.” *King William Cty. v. Jones*, 65 Va. App. 536, 548 (2015), *aff’d*, 65 Va. App. 721 (2016) (*reh’g en banc*). “For stipulations to achieve this purpose, a party agreeing to a stipulation must be bound by it.” *Id.* at 548 (citing *Fountain v. Commonwealth*, 64 Va. App. 51, 58 (2014) (“Parties are bound by their factual stipulations.”)); *see also Barrick v. Bd. of Supervisors*, 239 Va. 628, 631 (1990)) (“Both parties are bound by the stipulated evidence.” (citing *Se. Tidewater Auth. v. Coley*, 221 Va. 859, 862-63 (1981); *Harris v. Diamond Constr. Co.*,

184 Va. 711 (1946)). “The Commission has long taken the position that once parties stipulate to facts, they are bound by those stipulations.” *Hess v. Hess*, VWC File No. 155-05-55 (May 25, 1994) (citing *Moffatt v. Leland Corp.*, VWC File No. 135-48-62 (June 22, 1989); *Watson v. Quality Assurance*, VWC File No. 143-99-28 (Oct. 25, 1991)).

Because stipulations are binding, “a valid stipulation constitutes credible evidence.” *Jones*, 65 Va. App. at 548. “Stipulations, by definition, are agreements voluntarily consented to by the parties as to settled, undisputed facts of the controversy.” *Aslinger v. Wallens Ridge Corr. Ctr.*, VWC File No. 200-65-86 (Feb. 9, 2001). The parties’ binding stipulation is relevant, material, and probative evidence to be considered and weighed with the other evidence in the record. *See Carrington v. Aquatic Co. & Ins. Co.*, No. 0628-17-2 (Va. Ct. App. Jan. 23, 2018), *aff’d*, 297 Va. 520 (2019).⁵

In this case, the parties stipulated that the “[c]laimant injured his left leg/knee/ankle when he stepped in *or on* a defect in the surface he was walking on.” (Comm.’s Ex. 1.) (emphasis added). It is not our role, as neutral arbiter of the case, to question whether this stipulation is supported by the other evidence in the record. “When a litigant expressly makes ‘admissions of or stipulations as to facts’ the effect is ‘to dispense with the proof of such facts.’” *Harris v. Diamond Const. Co.*, 184 Va. 711, 722 (1946) He cannot later claim his assertion to be untrue.” *Aylor v. Commonwealth*, No. 3366-02-2 (Va. Ct. App. Mar. 2, 2004); *see also Coleman v. Coleman*, No. 1146-23-2 (Va. Ct. App. Dec. 3, 2024). “[N]either party may argue that the other ‘failed to offer

⁵ There may be exceptions where a court might not, or cannot, accept and enforce a stipulation of the parties. For example, parties generally cannot stipulate to a court’s subject matter jurisdiction. *Dieringer v. Allegis Group*, JCN VA000014233892 (July 7, 2020). A common carrier cannot lawfully stipulate for exemption from responsibility when such exemption is not just and reasonable in the eye of the law. *Norfolk & W. Ry. Co. v. Tanner*, 100 Va. 579, 385 (1902).

evidence to support’ the conceded issues of a stipulation.” *Varma v. Bindal*, No. 2100-16-2 (Va. Ct. App. July 18, 2017) (citing *Jones*, 65 Va. App. at 548). When accepted by the court, a stipulation relieves the parties from “any duty to offer evidence to prove the conceded issues.” *Id.* (citing *Jones*, 65 Va. App. at 548). Thus, it cannot be disputed that the claimant’s injury was caused by stepping in/on a defect in the walking surface.

The record also contained credible evidence establishing the nature of the defect onto which the claimant stepped. The claimant testified that he slipped on a greasy, oily substance. Additionally, he testified that he felt the substance on his hand after falling. His testimony that he slipped on something oily or greasy is consistent with the location of the fall—on a ramp used by restaurant workers to transport trash. The greasy or oily substance was a defect in the surface. It was an abnormality or flaw. *See* Defect, Merriam-Webster, <https://www.merriam-webster.com/dictionary/defect> (last visited June 12, 2026). In other words, the evidence proved the claimant injured his left leg/knee/ankle when he stepped in or on a defect—a greasy, oily substance—in the surface he was walking on.

The stipulation that the claimant injured himself when he stepped in or on a defect, combined with the claimant’s testimony that such defect was an oily or slippery substance, is sufficient to prove the claimant’s injury arose out of the employment. “[F]inding that [a] claimant slipped on a substance, albeit an unidentifiable one, satisfies the actual risk test” *Comput. Scis. Corp. v. Baughman*, No. 0528-96-4 (Va. Ct. App. Nov. 5, 1996). Given the parties’ stipulation, it is factually and legally indisputable that the defect, in this case an oily or greasy substance, was “actually present.” *Contra Loudoun Cty. Pub. Schs. v. Santi*, No. 1298-23-4

(Va. Ct. App. Dec. 17, 2024) (finding the claimant presented no evidence that a substance was actually present on the floor at the time she fell).

We have considered that the medical histories do not all corroborate the claimant's hearing testimony. However, "we have consistently held that we are not constrained to deny a claim based on medical histories that vary from the claimant's testimony, given the fact that treating physicians are more concerned with the injury, diagnosis, and treatment." *Taylor v. Bell BCI Co.*, JCN VA02000010256 (Apr. 15, 2014) (citing *Green v. Charlottesville City Schs.*, JCN VA00000406618 (Feb. 8, 2012); *Jeffers v. Altice Painting, Inc.*, VWC File No. 236-87-60 (July 14, 2009)); *see also Uninsured Emp.'s Fund v. Hughes*, No. 1115-24-1 (Va. Ct. App. July 8, 2025) ("The fact that Hughes's medical records do not track precisely her hearing testimony is not a basis for reversal of the Commission."); *Bropleh v. Fairfax Cty. Gov't*, JCN VA00001882990 (Mar. 11, 2024) ("[M]edical histories as evidence of how the injury occurred are not controlling . . .").

The notes indicating that the claimant tripped in a pothole, tripped over a concrete surface, or fell in a hole are not corroborated by any other evidence in the record. The First Report of Injury in the Commission's file indicated the claimant "slipped," and the claimant testified that the surface was slippery and he fell. The notation that the claimant "denies any direct trauma of fall-related injury to the knee," conflicts with a preponderance of the evidence in the record, including other medical records indicating the claimant suffered left knee pain after falling. Instead of relying on these various histories, we credit the claimant's hearing testimony that he slipped and fell. (Op. 4.)

The greater weight of the evidence, including the parties' stipulation and the claimant's testimony, proved the claimant suffered injuries to his left leg, knee, and ankle⁶ as the result of a compensable injury by accident on March 31, 2025. We remand this matter to the Deputy Commissioner to determine the claimant's entitlement to the temporary total disability benefits claimed and enter an appropriate award of benefits for the stipulated injuries and any proven periods of temporary total disability.

III. Conclusion

The Deputy Commissioner's January 21, 2026 Opinion is REVERSED.

We REMAND this matter to the Deputy Commissioner to determine the claimant's entitlement to the temporary total disability benefits claimed and enter an appropriate award of benefits for the stipulated injuries and any proven periods of temporary total disability.

This case is ORDERED removed from the review docket.

APPEAL

Because a final decision has not been rendered in this matter, there is no right of appeal to the Court of Appeals of Virginia at this time.

⁶ The parties' stipulation included that the claimant injured these body parts when he stepped in/on the defect in surface he was walking on.