

My life changed while at work on October 19<sup>th</sup>, 2022 in a way I would never have imagined. On that day, I suffered an aortic dissection caused by consistent and frequent heavy lifting as part of my job duties while on the dock at ABF. I know I am especially blessed to still be alive, but since October 19<sup>th</sup>, I have endured set back after set back of being able to regain control of my life again. It seems that every time I figure out alternatives to being able to find my new purpose and second chance, ArcBest/ABF denies any opportunity and I am stuck not being able to move on until either I give up or ABF decides to settle instead of deny any responsibility. I have not been back to work since August 4<sup>th</sup>, and received a call on August 11<sup>th</sup> to not report to work after my vacation. There was no explanation besides that they no longer were able to accommodate my ADA restrictions, after they said they were able to accommodate my restrictions and while I worked for 6 months since they brought me back to work in January of 2023. Now here I am 16 months later after my injury, being depleted of my savings to fight to try to protect my rights against a company that claims to care about their people. They have been fighting against any sort of responsibility, giving me, my doctors, my legal team, and the workers compensation board misleading and contradicting information, and continues to deny and delay their actions.

Throughout my recovery, starting only a few days after my life threatening injury, ArcBest/ABF did not follow proper protocol and violated my HIPPA rights on occasion from these various events:

- A woman named Barb visited me at the hospital, and when asked if she worked for ABF, she denied working on behalf of ArcBest/ABF. I had witnesses who can attest she denied working on behalf of ABF in which I found out about a week later that Kendra Gigsby (ArcBest/ABF workers' compensation claim employee) admitted she had given orders to Barb to visit in the hospital but continued to deny that it was a workers comp related injury. I was under heavy sedation due to the surgery from the injury I sustained, and ArcBest/ABF tried to take advantage that I was not of sound mind to have any sort of conversation.
- Mark Maloney, the manager at the time, told numerous employees that my sustained aortic tear was a heart attack and that it was a hereditary condition; therefore not work related. In all company ordered physicals, there was no indication of previous heart history. My father passed due to a heart attack, and that is not the same as an aortic rupture. Due to my family history, I know the importance of making sure I am constantly checked out for any heart related events that could be tied to genetics. I do and did not have any prior heart conditions until this event, and from my medical history it reflects as such.

- Kendra Gigsby, also continuously would deny and tell my doctors/insurance/hospital that my injury was not comp related however this clearly happened at work and was reported to OSHA as such by ArcBest/ABF.
- After the preliminary hearing was held, a comp investigator was set up to watch me; however, there was still denial by ABF/ArcBest that my injury was workers compensation related. Why did they put an investigator on me if they still denied it was a work-related injury? That should not have happened if they stated it was not comp, they had me investigated for no reason if that is the case.
- When brought back to work in January of 2023, my direct supervisor (Eddie) was not made aware of what I was able to do regarding the list of restrictions and the job duties I am able to perform. Eddie can attest that when someone was brought back to work, he would receive a list of what that individual is able to do based on their restrictions. He was never provided with this information, in which further solidifies they did not handle my injury under worker's compensation properly.
- There were some delays in my ability to provide requested information in a timely manner due to ABF sending my mail to the incorrect address. They sent a request for the ADA to be completed, but they sent it to my home address that does not receive mail.
- There were also delays in being able to provide all the documents requested for ABF because they were denying necessary tests my doctor required in order to fill out the paperwork. My doctor would not fill out the paperwork without sufficient knowledge of my progress in order to give ABF the best professional opinion on my medical condition.
- Throughout all of this, ABF requested my HIPPA release from Albany Memorial Hospital, Twin Rivers Medical Center, and Southern Vermont Medical Center on numerous occasions. It was settled in our hearings that ABF could request only cardiac conditions pertaining to my health history but could not request anything else regarding my medical history. While obtaining the releases from these medical facilities, ABF strategically chose to put the specific requests on the last page of these documents, while on the cover sheet/first page they misled the medical professionals to release my entire health history.

ABF would not approve my medical procedures and would deny treatment as well as reject coverage of some of my prescriptions. I was unable to get the proper testing needed and have not seen a cardiologist in over 8 months. This also delayed my ability to provide the necessary

documentation in the time frame requested. On April 6<sup>th</sup> and April 22<sup>th</sup> of 2023, Dr. Hasan, the surgeon who operate on me on October 19<sup>th</sup>, 2022, requested CT scans be performed to see my progress since the surgery. They were denied and not deemed medically necessary and appropriate for this claim; however, on May 1<sup>st</sup>,2023, Dr. Hasan wrote a letter to explain exactly why it was medically necessary and appropriate for this claim. It finally was approved and performed on June 16<sup>th</sup>, 2023.

In January of 2023, I saw my physician who determined what restrictions I would have and released me under light duty to return to work. ABF stated via email that they were able to accommodate my restrictions and brought me back to work immediately, effective January 23<sup>th</sup>,2023. I worked up until August 4<sup>th</sup>, 2023 under these restrictions and was given no prior notification until August 11<sup>th</sup> while on vacation. My terminal manager, Josh Griffen, called to tell me that I was not to return back to work the following Monday, August 13<sup>th</sup> without any further explanation or reason provided. I filed grievances through the Union, but there is no resolution as of yet. I had attempted to file unemployment in September 2023, but ABF has reported that I abandoned my job, in which I disputed this due to the misinformation ABF provided unemployment. ABF then forced the unemployment representative to render a decision due to ABF failing to provide a simple call back for further information that was requested.

I haven't seen a cardiologist in over 8 months as it has been extremely difficult to find a cardiologist that takes workers compensation that is approved. I have not been able to work, causing financial hardship and a lack of worth in the world as I am constrained until there is a resolution. When returning to ArcBest/ABF, my emotions at times were heightened due to constant flash backs of what happened to me on October 19<sup>th</sup>, 2022. While I worked on the dock, I purposely avoided 27 door because that is where the accident occurred. I was reminded daily of what happened to me and the stress of the trauma I endured was triggered, and now that I am not working due to ABF denying me that right, I have now anxiety as to what I am going to do with the rest of my life, and depression that I have no control and each day this goes on for, I lose hope. I turned to therapy as my well-being has suffered more and more.

All that I have gone through is borderline harassment as ArcBest/ABF consistently denied that my injury was workers comp related. They discussed my injury with others that violated my privacy, and their lack of due diligence to fully investigate and cooperate with OSHA shows a blatant disregard for the well-

being of their employees, especially employees like myself that have undergone hardship in these past 16 months. Overall, ABFs negligence in how they handled my injury, prolonging my ability to return to work, denial of their faults and errors, and consistent lack of communication amongst their departments has created burdens that I may never fully recover from. I do not feel as if my injury was taken seriously by ABF or their affiliates. There is a clear contradiction in their core values, especially in integrity, wellness, and collaboration.

- Integrity- They did not do the right thing even though it was reported by local management that this was a work related injury. They then consistently denied any fault in my injury.
- Wellness- The delay in the approval of my tests and ability to see the necessary doctors for my overall well-being goes to show that wellness to them is not something they take pride in. If they were a company that cares about their people, they would act with urgency to help resolve any matters health related, especially when it involves vital organs to life.
- Collaboration- The departments involved in my workers comp claim did not work together, it is clear between local management, risk department, employee relations, and the workers compensation department that they did not communicate everything that has gone on nor disclosed the proper information to their teams in order to effectively come to a resolution.

Furthermore- directly from ArcBest's corporate webpage it states the following:

**"Our people are at the heart of our success-** We're where we are today, celebrating our 100th anniversary, for one reason: our people. They're at the very heart of our success, what makes us an industry leader and how we serve our customers well. We believe it's our responsibility to help our employees succeed, and we do that through providing continuous resources for training and professional development. At the end of the day, it comes down to genuinely caring about each other — something that shows in the quality of work we produce together."

ArcBest is a 5.9-billion-dollar company. They claim they care about their people but throughout this entire event, they refuse to take accountability for any of their faults that caused this injury. They continue to push to generate the revenue needed to be a multi-billion-dollar company, but at what cost? Me almost losing my life? This goes to show that I may be just a number to ABF, but my life is worth more than any financial gain they may have. The constant stress I have been personally put under and everything that I have been through and experienced leading up to my injury and after my injury goes to show that they do not genuinely care about their people. My loyalty, work ethic, and dedication that I have given to ArcBest/ABF for the previous 5 years to

contribute to the "heart of their success" is clearly not reciprocated the longer that this case goes on for. I have a second chance that others have not been lucky to have, and as much as ArcBest/ABF feels it's their responsibility to help their employees succeed, they are not taking any responsibility for their actions that led up to my injury and do not wish for me to succeed and move on, particularly by them continuing to prolong their admittance of fault. They are holding up my ability to live my life so they can obtain the lowest financial loss they can. They are going to continue to intentionally prolong this case/settlement to put pressure for me to settle for less than I am owed as often times the longer these cases go on, the more of a financial strain the employee has to endure until he/she struggle to make ends meet and are then forced to settle. At this point, I just want to move on from all of this, and I wish ABF would do the same instead of dragging this on.

Sincerely,

James Maxon  
518-687-4158