

SUPREME COURT OF OKLAHOMA

Naomi Reeder v. Zinc Corporation of America; Ace American Insurance Company and the Workers' Compensation Court

2009 OK 54 · No. No. 105229 · Decided July 7, 2009

SUMMARY

The Oklahoma Supreme Court held that 85 O.S. § 3.6(G), which directs that workers' compensation interest be computed pursuant to 12 O.S. § 727, incorporates only the applicable interest rate and does not authorize prejudgment interest on workers' compensation awards. The court sustained the denial of Naomi Reeder's request to add prejudgment interest to her death-benefit award.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Reif, J.; Edmondson, C.J.; Taylor, V.C.J.; Hargrave, J.; Kauger, J.; Watt, J.; Winchester, J.; Colbert, J.; Opala, J.
JURISDICTION	Oklahoma
DECIDED	July 7, 2009
DOCKET	No. 105229
DISPOSITION	affirmed
PROCEDURAL POSTURE	Certiorari review of a Workers' Compensation Court decision denying prejudgment interest on a death-benefit award.
STANDARD OF REVIEW	Questions of statutory construction are questions of law reviewed de novo.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential.
PARTIES	Naomi Reeder v. Zinc Corporation of America, Ace American Insurance Company, Workers' Compensation Court

TOPICS

workers compensation

statutory interpretation

legislative intent

remedies

PRACTICE AREAS

workers compensation

statutory interpretation

prejudgment interest

remedies

QUESTIONS PRESENTED

1. Whether 85 O.S. § 3.6(G), which provides that interest shall be computed pursuant to 12 O.S. § 727, incorporates all of § 727, including its prejudgment-interest provisions.
2. Whether the Workers' Compensation Act authorizes prejudgment interest on workers' compensation death-benefit awards.

HOLDINGS

1. Section 3.6(G) incorporates the interest rate prescribed by 12 O.S. § 727 for computing interest authorized under § 3.6; it does not incorporate § 727 as a general source of authority to award prejudgment or post-award interest.
2. Prejudgment interest is not authorized on the workers' compensation death-benefit award because neither 85 O.S. § 3.6 nor another provision of the Workers' Compensation Act authorizes it.

KEY QUOTATIONS

“The directive that interest provided in section 3.6 “shall be computed pursuant to Section 727 of Title 12” simply means that the court shall use the applicable rate of interest provided by § 727.” (¶ 5)

“These same considerations reveal no intent on the part of the Legislature for § 727 to serve as a general source of authority to award interest on Workers' Compensation awards.” (¶ 9)

“Accordingly, the Workers' Compensation Court did not err in denying the request of Naomi Reeder to add prejudgment interest to an award of death benefits, as such interest is not authorized by § 3.6 of the Workers' Compensation Act or any other provision of the Workers' Compensation Act.” (¶ 9)

FACTUAL BACKGROUND

Naomi Reeder sought death benefits for the loss of her husband, Louis Reeder, whose death resulted from an occupational disease. After a death-benefit award, she sought to add prejudgment interest under the Workers' Compensation Act and the Act's reference to the interest provisions of 12 O.S. § 727. The Workers' Compensation Court denied the request for prejudgment interest.

PROCEDURAL HISTORY

Naomi Reeder pursued death benefits after her husband's death from an occupational disease. After obtaining an award, she sought to add prejudgment interest under 85 O.S. § 3.6 by reference to 12 O.S. § 727. The Workers' Compensation Court denied the request, and the Oklahoma Supreme Court granted certiorari review and sustained that judgment.

DISPOSITION

affirmed

CASES CITED

- Zinc Corporation of America v. Reeder, 2007 OK CIV APP 66, 164 P.3d 1132
- Arrow Tool & Gauge v. Mead, 2000 OK 86, ¶ 6, 16 P.3d 1120, 1123
- Piskey v. State ex rel. Martin, 1958 OK 153, 327 P.2d 463

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/oklahoma-supreme-court-of-oklahoma/2009/naomi-reeder-v-zinc-corporation-of-america-ace-american-03gowag0>