

TENNESSEE COURT OF WORKERS' COMPENSATION CLAIMS

Luis Aguilar v. Luz Dariela Hernandez Maldnaldo d/b/a Brandon's  
Construction

Aguilar, 2026 TN WC 91 (Tennessee Court of Workers' Compensation Claims 2026) · No. 2025-30-4388 ·  
Decided June 24, 2026

SUMMARY

The Tennessee Court of Workers’ Compensation Claims denied Luis Aguilar’s request for benefits based on an alleged November 15, 2024 left-knee injury. The court found that Aguilar identified and testified about a May 13, 2025 injury instead and had not shown that he was likely to prevail on the claim involving the November 15, 2024 date.

CASE DETAILS

|                       |                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------|
| COURT                 | Tennessee Court of Workers' Compensation Claims                                                          |
| WRITING FOR THE COURT | Lisa A. Lowe                                                                                             |
| JURISDICTION          | Tennessee Court of Workers’ Compensation Claims                                                          |
| DECIDED               | June 24, 2026                                                                                            |
| DOCKET                | 2025-30-4388                                                                                             |
| DISPOSITION           | other                                                                                                    |
| PROCEDURAL POSTURE    | Expedited hearing on an employee’s petition for workers’ compensation benefits.                          |
| STANDARD OF REVIEW    | At an expedited hearing, the employee must show that he is likely to prevail at a hearing on the merits. |
| PRECEDENTIAL VALUE    | Published Tennessee Court of Workers' Compensation Claims opinion                                        |

TOPICS

- workers compensation
- construction law
- civil procedure

PRACTICE AREAS

- workers compensation
- employment law
- construction law

QUESTIONS PRESENTED

1. Whether Aguilar demonstrated that he was likely to prevail on his claim for benefits for an alleged November 15, 2024 workplace injury.
2. Whether the alleged November 15, 2024 injury satisfied Tennessee’s requirement that an accidental injury arise primarily out of and in the course and scope of employment and be identifiable by time and place of occurrence.

#### **HOLDINGS**

1. Aguilar was unlikely to prevail because he did not identify or provide evidence of a specific incident causing a left-knee injury on November 15, 2024; instead, he testified that the injury occurred on May 13, 2025.

#### **KEY QUOTATIONS**

*“At an expedited hearing, Mr. Aguilar must show that he is likely to prevail at a hearing on the merits.”* (1)

*“An injury is accidental only if it is caused by a specific incident, or set of incidents, arising primarily out of and in the course and scope of employment, and identifiable by time and place of occurrence.”* (1)

#### **FACTUAL BACKGROUND**

Luis Aguilar allegedly sustained a left-knee injury while working for Brandon’s Construction. He filed a petition alleging a November 15, 2024 injury, but at the expedited hearing testified that he injured his knee on May 13, 2025 and provided no evidence of an injury on November 15, 2024.

#### **PROCEDURAL HISTORY**

Luis Aguilar filed petitions alleging workplace injuries on November 15, 2024, and May 8, 2025. The expedited proceeding addressed the alleged November 15, 2024 injury. At the hearing, Aguilar testified that he injured his knee on May 13, 2025, and offered no testimony or evidence concerning a November 15, 2024 injury. The court denied benefits for the November 15, 2024 injury and scheduled a status and scheduling hearing.

#### **DISPOSITION**

other

#### **CASES CITED**

- McCord v. Advantage Human Resourcing, 2015 TN Wrk. Comp. App. Bd. LEXIS 6, at \*7-8 (Mar. 27, 2015)

#### **OPINION**

PER CURIAM.

FILED Jun 24, 2026 02:53 PM(ET) TENNESSEE COURT OF WORKERS' COMPENSATION CLAIMS TENNESSEE BUREAU OF WORKERS' COMPENSATION IN THE COURT OF WORKERS' COMPENSATION CLAIMS AT KNOXVILLE LUIS AGUILAR, Docket No. 2025-

30-4388 Employee, v. LUZ DARIELA HERNANDEZ State File No. 860198-2025 MALDNALDO d/b/a BRANDON'S CONSTRUCTION, Employer. Judge Lisa A. Lowe EXPEDITED HEARING ORDER DENYING BENEFITS Luis Aguilar allegedly sustained a left-knee injury while working for Brandon Construction.

For the reasons below, the Court denies his request for benefits. Claim History Mr. Aguilar filed one petition for benefit determination alleging a November 15, 2024 date of injury, and a second petition alleging a May 8, 2025 date of injury. This case involves Mr. Aguilar's November 15, 2024 injury. At the hearing, Mr. Aguilar testified that he injured his knee on May 13, 2025.

He did not provide any testimony or evidence relating to a November 15, 2024 injury. Findings of Fact and Conclusions of Law At an expedited hearing, Mr. Aguilar must show that he is likely to prevail at a hearing on the merits. Tenn. Code Ann. § 50-6-239(d)(1) (2025); McCord v. Advantage Human Resourcing, 2015 TN Wrk. Comp. App. Bd. LEXIS 6, at \*7-8, 9 (Mar.

27, 2015). An injury is accidental only if it is caused by a specific incident, or set of 1 incidents, arising primarily out of and in the course and scope of employment, and identifiable by time and place of occurrence. Tenn. Code Ann. § 50-6-101(12)(A).

Here, Mr. Aguilar did not identify a specific incident on November 15, 2024, that resulted in a left-knee injury. In fact, he emphatically testified that he hurt his left knee on May 13, 2025. Therefore, Mr. Aguilar is unlikely to prevail at a hearing on the merits that he is entitled to benefits for a November 15, 2024 injury at this time. IT IS, THEREFORE, ORDERED as follows: 1.

The Court denies Mr. Aguilar's request for benefits for injuries from an alleged November 15, 2024 injury. 2. The Court sets a Status/Scheduling Hearing on October 20, 2026, at 9:30 a.m. Eastern Time. The parties must call 855-383-0003 to participate. ENTERED June 24, 2026.

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JUDGE LISA A. LOWE Court of Workers' Compensation Claims 2 APPENDIX Exhibits: 1.

Affidavit of Luiz Aguilar, filed April 23, 2026 2. Affidavit of Luiz Aguilar, translated May 26, 2026 3. Request for Investigation 4. Expedited Request for Investigation Report 5. Photographs 6. Canceled Check Stubs 3 CERTIFICATE OF SERVICE I certify that a copy of this order was sent as shown on June 24, 2026. Name Mail Email Service sent to: Luis Aguilar, X X Self-Represented Employee Nick Akins, X nakins@morganakins.com David Goudie, dgoudie@morganakins.com Employer's Attorney \_\_\_\_\_ PENNY SHRUM, COURT CLERK wc.courtclerk@tn.gov 4 Right to Appeal: If you disagree with the Court's Order, you may appeal to the Workers' Compensation Appeals Board.

To do so, you must: 1. Complete the enclosed form entitled "Notice of Appeal" and file it with the Clerk of the Court of Workers' Compensation Claims before the expiration of the deadline. If the order being appealed is "expedited" (also called "interlocutory"), or if the order does not

dispose of the case in its entirety, the notice of appeal must be filed within seven (7) business days of the date the order was filed. If the order being appealed is a “Compensation Order,” or if it resolves all issues in the case, the notice of appeal must be filed within thirty (30) calendar days of the date the Compensation Order was filed.

When filing the Notice of Appeal, you must serve a copy on the opposing party (or attorney, if represented). 2. You must pay, via check, money order, or credit card, a \$75.00 filing fee within ten calendar days after filing the Notice of Appeal. Payments can be made in-person at any Bureau office or by U.S. mail, hand-delivery, or other delivery service.

In the alternative, you may file an Affidavit of Indigency (form available on the Bureau’s website or any Bureau office) seeking a waiver of the filing fee. You must file the fully-completed Affidavit of Indigency within ten calendar days of filing the Notice of Appeal. Failure to timely pay the filing fee or file the Affidavit of Indigency will result in dismissal of your appeal.

3. You are responsible for ensuring a complete record is presented on appeal. If no court reporter was present at the hearing, you may request from the Court Clerk the audio recording of the hearing for a \$25.00 fee. If you choose to submit a transcript as part of your appeal, which the Appeals Board has emphasized is important for a meaningful review of the case, a licensed court reporter must prepare the transcript, and you must file it with the Court Clerk.

The Court Clerk will prepare the record for submission to the Appeals Board, and you will receive notice once it has been submitted. For deadlines related to the filing of transcripts, statements of the evidence, and briefs on appeal, see the applicable rules on the Bureau’s website at <https://www.tn.gov/wcappealsboard>. (Click the “Read Rules” button.) 4.

After the Workers’ Compensation Judge approves the record and the Court Clerk transmits it to the Appeals Board, a docketing notice will be sent to the parties. If neither party timely files an appeal with the Appeals Board, the Court Order becomes enforceable. See Tenn. Code Ann. § 50-6-239(d)(3) (expedited/interlocutory orders) and Tenn. Code Ann. § 50-6-239(c)(7) (compensation orders).

For self-represented litigants: Help from an Ombudsman is available at 800-332-2667.