

**SUPREME COURT OF TENNESSEE, SPECIAL WORKERS' COMPENSATION
APPEALS PANEL**

Mathenia v. Milan Seating Systems

254 S.W.3d 313 (Tenn. 2007) · No. W2006-01215-SC-WCM-WC · Decided October 17, 2007

SUMMARY

The Tennessee Special Workers' Compensation Appeals Panel held that Barbara Mathenia sustained a compensable work-related aggravation of a pre-existing right-thumb condition. The Panel modified the injury date to September 21, 2005, applied the statutory cap on permanent partial disability benefits, and reduced the award from 50% to 18% permanent partial disability to the right arm.

CASE DETAILS

COURT	Supreme Court of Tennessee, Special Workers' Compensation Appeals Panel
WRITING FOR THE COURT	James F. Butler, Special Judge; Janice M. Holder, Justice; Robert E. Corlew, Special Judge
JURISDICTION	Tennessee
DECIDED	October 17, 2007
DOCKET	W2006-01215-SC-WCM-WC
DISPOSITION	other
PROCEDURAL POSTURE	Milan Seating Systems appealed a workers' compensation judgment finding that Barbara Mathenia sustained a compensable work-related right-arm injury, fixing the injury date as May 13, 2004, and awarding 50% permanent partial disability. The Special Workers' Compensation Appeals Panel affirmed compensability but modified the injury date and disability award.
STANDARD OF REVIEW	Review is de novo on the record with a presumption of correctness for the trial court's factual findings unless the evidence preponderates otherwise; conclusions of law are reviewed without a presumption of correctness. When medical proof is presented by deposition, the appellate court independently weighs the expert testimony and draws its own credibility conclusions.
PRECEDENTIAL VALUE	published

PARTIES

Milan Seating Systems v. Barbara Mathenia

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workers compensation

appellate procedure

standard of review

remedies

PRACTICE AREAS

workers compensation

employment law

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Mathenia established a compensable workers' compensation injury by proving that her repetitive work activities aggravated a preexisting arthritic condition.
2. Whether the date of injury was May 13, 2004, or the later date on which Mathenia could no longer perform her work because of the gradually occurring injury.
3. Whether the permanent partial disability award was subject to the statutory cap applicable to injuries occurring on or after July 1, 2004, and, if so, what award was permissible.

HOLDINGS

1. Mathenia sustained a compensable injury because the evidence did not preponderate against the finding that her work activities worsened her preexisting thumb condition in a manner sufficient to constitute an aggravation injury.
2. The date of injury was September 21, 2005, when Mathenia was taken off work and could no longer perform her job, rather than May 13, 2004, when she first reported symptoms.
3. Because the injury occurred after July 1, 2004 and the employer did not return Mathenia to work at an equal or greater wage, her permanent partial disability award was capped at six times her 3% anatomical impairment rating, resulting in an 18% permanent partial disability award to the right arm.

KEY QUOTATIONS

"We are therefore persuaded that the injury suffered by Plaintiff was a gradual injury and that the development of her symptoms resulted from the culmination of ongoing injuries." (254 S.W.3d at 320)

"We, therefore, hold that the evidence preponderates against the finding of the trial court as to the date of injury and as to the extent of vocational disability, that Plaintiff's date of injury is September 21, 2005, and that her vocational disability is capped at six times the anatomical medical impairment rating given to her by Dr. Boals." (254 S.W.3d at 321)

FACTUAL BACKGROUND

Barbara Mathenia worked for Milan Seating Systems for approximately seventeen years performing repetitive sewing and gripping work. She first noticed right-thumb pain and swelling in May 2004, reported worsening symptoms in November 2004, and was later diagnosed with osteoarthritis, tendinitis, and related conditions by several orthopedic surgeons. Her physicians imposed restrictions against repetitive heavy gripping, and she was

ultimately unable to return to work because the successor employer could not accommodate those restrictions. The medical evidence indicated preexisting degenerative arthritis but supported a finding that her work activities aggravated the condition sufficiently to produce a compensable injury.

PROCEDURAL HISTORY

Mathenia filed a workers' compensation claim for a right thumb injury allegedly caused or aggravated by repetitive work activities. The trial court found a compensable injury, determined that the injury date was May 13, 2004, and awarded 50% permanent partial disability to the right upper extremity. On appeal, the Panel concluded that the injury was compensable but that it was a gradually occurring injury with a September 21, 2005 injury date, and reduced the award to 18% permanent partial disability. The Tennessee Supreme Court adopted and affirmed the Panel's findings and made its decision the judgment of the Court.

DISPOSITION

other

CASES CITED

- Watt v. Lumbermens Mut. Cas. Ins. Co., 62 S.W.3d 123, 127 (Tenn. 2001)
- Fritts v. Safety Nat'l Cas. Corp., 163 S.W.3d 673, 678 (Tenn. 2005)
- Clark v. Nashville Mach. Elevator Co., 129 S.W.3d 42, 47 (Tenn. 2004)
- Simpson v. H.D. Lee Co., 793 S.W.2d 929, 931 (Tenn. 1990)
- Tindall v. Waring Park Ass'n, 725 S.W.2d 935, 937 (Tenn. 1987)
- Bohanan v. City of Knoxville, 136 S.W.3d 621, 624 (Tenn. 2004)
- Krick v. City of Lawrenceburg, 945 S.W.2d 709, 712 (Tenn. 1997)
- Seals v. England/Corsair Upholstery Mfg. Co., 984 S.W.2d 912, 915 (Tenn. 1999)
- Barnett v. Milan Seating Sys., 215 S.W.3d 828, 835 (Tenn. 2007)
- Cunningham v. Goodyear Tire & Rubber Co., 811 S.W.2d 888, 890 (Tenn. 1991)
- Talley v. Virginia Ins. Reciprocal, 775 S.W.2d 587, 591 (Tenn. 1989)
- Lawson v. Lear Seating Corp., 944 S.W.2d 340, 341 (Tenn. 1997)
- Barker v. Home-Crest Corp., 805 S.W.2d 373, 373-374 (Tenn. 1991)
- Bldg. Materials Corp. v. Britt, 211 S.W.3d 706, 713 (Tenn. 2007)
- Hill v. City of Germantown, 31 S.W.3d 234, 239 (Tenn. 2000)
- Bone v. Saturn Corp., 148 S.W.3d 69 (Tenn. 2004)