

SUPREME COURT OF ALABAMA

D & E Investments, L.L.C. v. Singleton

6 So. 3d 515 (Ala. 2008) · Decided July 25, 2008

SUMMARY

The Alabama Supreme Court reviewed whether an employee’s oral statement that he injured his back while “emptying the trash can,” combined with his supervisor’s knowledge of the employee’s job duties, provided sufficient notice of a work-related injury under the Alabama Workers’ Compensation Act. The court held that the information was sufficient to put a reasonable supervisor on inquiry and that the trial court’s finding should not have been reversed. The court reversed the Court of Civil Appeals’ judgment and remanded the case.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Lyons, Justice; Cobb, Chief Justice; Woodall, Justice; Stuart, Justice; Smith, Justice; Parker, Justice; Murdock, Justice; See, Justice; Bolin, Justice
JURISDICTION	Alabama
DECIDED	July 25, 2008
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Kiva Dunes sought review by writ of certiorari of the Court of Civil Appeals' reversal of a trial-court judgment awarding Singleton permanent-total-disability workers' compensation benefits.
STANDARD OF REVIEW	On certiorari review, the Supreme Court reviews the intermediate appellate court's legal conclusions de novo and applies the standard applicable in the Court of Civil Appeals. Under Alabama Code § 25-5-81(e), legal issues are reviewed de novo, while the trial court's factual findings must be affirmed if supported by substantial evidence. When undisputed facts permit different reasonable conclusions regarding the sufficiency of notice, the appellate court may not substitute its judgment for that of the trial court.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Alabama.
PARTIES	D & E Investments, L.L.C., d/b/a Kiva Dunes v. Thomas W. Singleton

TOPICS

workers compensation

appellate procedure

writ of certiorari

standard of review

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Singleton's statement that he injured his back while “emptying the trash can,” together with the supervisor's knowledge that emptying a fifty-five-gallon trash can was part of Singleton's job duties, constituted adequate actual notice of a work-related injury under Alabama Code § 25-5-78.
2. Whether the Court of Civil Appeals improperly substituted its judgment for the trial court's determination that the undisputed notice-related facts were sufficient to put a reasonable person on inquiry.

HOLDINGS

1. An employee's statement that he injured his back while “emptying the trash can,” coupled with the supervisor's knowledge that emptying a fifty-five-gallon trash can was part of the employee's job duties, constituted adequate notice sufficient to put a reasonable person on inquiry that the injury was work related.
2. When the facts are undisputed but reasonable persons could draw different conclusions about whether notice was sufficient, the appellate court may not substitute its judgment for the trial court's conclusion.

KEY QUOTATIONS

“The record in this case provides the necessary support for the trial court’s finding that Singleton’s telephone call to his supervisor, in which he stated that he had injured his back “while emptying the trash can,” coupled with the supervisor’s knowledge that one of Singleton’s duties was to empty the 55-gallon trash can at the end of the day, constituted adequate notice that would “put a reasonable person on inquiry” as to whether the injury was work related.” (at 521-22)

FACTUAL BACKGROUND

Singleton worked as a golf-cart attendant for Kiva Dunes and was required to empty trash from the golf carts into a fifty-five-gallon trash can and then empty that can into a dumpster at the end of each workday. He testified that he injured his back while emptying the trash can on November 8, 2003, and told his supervisor on November 10 that he had injured his back while “emptying the trash can.” The supervisor knew that emptying the fifty-five-gallon trash can was one of Singleton's job duties, although the supervisor did not specifically recall the conversation. The trial court found that this information was sufficient to put a reasonable person on inquiry that the injury was work related.

PROCEDURAL HISTORY

The trial court found that Singleton had provided adequate notice of his work-related back injury and awarded permanent-total-disability benefits. The Court of Civil Appeals reversed, concluding that Kiva Dunes had not received proper notice within the ninety-day period prescribed by Alabama Code § 25-5-78. The Alabama Supreme Court granted certiorari, reversed the Court of Civil Appeals, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Court of Civil Appeals for further proceedings consistent with the Supreme Court's opinion.

CASES CITED

- D & E Invs., L.L.C. v. Singleton, 6 So. 3d 506 (Ala. Civ. App. 2007)
- Ex parte Toyota Motor Corp., 684 So. 2d 132, 135 (Ala. 1996)
- Ex parte Fort James Operating Co., 895 So. 2d 294, 296 (Ala. 2004)
- Ex parte Brown & Root, Inc., 726 So. 2d 601, 602 (Ala. 1998)
- Russell Coal Co. v. Williams, 550 So. 2d 1007, 1012 (Ala. Civ. App. 1989)
- Wal-Mart Stores, Inc. v. Elliott, 650 So. 2d 906, 908 (Ala. Civ. App. 1994)
- James v. Hornady Truck Line, Inc., 601 So. 2d 1059, 1060-61 (Ala. Civ. App. 1992)
- International Paper Co. v. Murray, 490 So. 2d 1228 (Ala. Civ. App.), remanded on other grounds, 490 So. 2d 1230 (Ala. 1984)
- Premdor Corp. v. Jones, 880 So. 2d 1148, 1153-54 (Ala. Civ. App. 2003)
- Burlington Northern R.R. v. Whitt, 575 So. 2d 1011, 1021 (Ala. 1990)
- Rast Constr., Inc. v. Peters, 689 So. 2d 781, 786 (Ala. 1996)
- Quillen v. Quillen, 388 So. 2d 985 (Ala. 1980)
- Pojanowski v. Hart, 288 Minn. 77, 81, 178 N.W.2d 913, 916 (1970)

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