

TENNESSEE COURT OF WORKERS' COMPENSATION CLAIMS

Hicks, Clifford Montrell v. Fullen Dock and Warehouse

Hicks, 2026 TN WC 49 (Tennessee Court of Workers' Compensation Claims 2026) · No. 2023-08-7416 · Decided April 27, 2026

SUMMARY

The Tennessee Court of Workers' Compensation Claims granted Fullen Dock and Warehouse's motion for summary judgment in Clifford Montrell Hicks's workers' compensation claim. The court held that Hicks failed to present expert medical evidence establishing that his employment primarily caused his alleged neck, shoulder, and back injuries. The claim was dismissed with prejudice, subject to appeal within 30 days.

CASE DETAILS

COURT	Tennessee Court of Workers' Compensation Claims
WRITING FOR THE COURT	Shaterra R. Marion
JURISDICTION	Tennessee Court of Workers' Compensation Claims
DECIDED	April 27, 2026
DOCKET	2023-08-7416
DISPOSITION	other
PROCEDURAL POSTURE	Employer Fullen Dock and Warehouse moved for summary judgment in an employee workers' compensation claim. The employee did not respond to the motion or appear at the hearing.
STANDARD OF REVIEW	Summary judgment is appropriate when the pleadings, depositions, answers to interrogatories, admissions, and affidavits show no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. The moving party may meet its burden by submitting affirmative evidence negating an essential element or demonstrating that the nonmoving party's evidence is insufficient to establish that element.
PRECEDENTIAL VALUE	Published

TOPICS

- workers compensation
- summary judgment
- employment law
- civil procedure

PRACTICE AREAS

- workers' compensation
- employment law
- civil procedure

QUESTIONS PRESENTED

1. Whether Fullen Dock was entitled to summary judgment because Hicks could not present evidence establishing medical causation.

2. Whether the un rebutted record, including Dr. Pokabla's testimony and Hicks's failure to offer contrary medical evidence, left no genuine issue of material fact regarding whether the injury arose primarily out of and in the course and scope of employment.

HOLDINGS

1. Fullen Dock was entitled to summary judgment because it negated the essential element of medical causation and demonstrated that Hicks could not prove that his injury arose primarily out of and in the course and scope of employment.

KEY QUOTATIONS

“Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.”” (1-2)

“The essential element at issue in this case comes from Tennessee Code Annotated section 50-6-102(12), which requires expert medical proof that the injury arose primarily out of and in the course and scope of employment.” (2)

FACTUAL BACKGROUND

Hicks alleged that he sustained work-related injuries to his neck, shoulders, and back on June 21, 2022. Dr. Christopher Pokabla was the only physician to offer causation testimony and concluded that Hicks's employment did not contribute more than 50 percent to his current condition. Hicks offered no contrary medical evidence, did not respond to Fullen Dock's statement of undisputed material facts, and did not appear at the summary-judgment hearing.

PROCEDURAL HISTORY

Hicks alleged work-related injuries to his neck, shoulders, and back arising from a June 21, 2022 workplace injury. Following an expedited hearing, the court denied his request for benefits and entered a scheduling order. Fullen Dock then moved for summary judgment, arguing that Hicks lacked evidence of medical causation. Hicks did not respond or appear at the motion hearing, and the court granted summary judgment and dismissed the claim with prejudice to refiling.

DISPOSITION

other

CASES CITED

- Rye v. Women's Care Ctr. of Memphis, MPLLC, 477 S.W.3d 235, 264-65 (Tenn. 2015)
- Hutchins v. Cardinal Glass Indus., No. E2023-00587-SC-R3-WC, 2024 Tenn. LEXIS 3, at *11 (Tenn. Workers' Comp. Panel Jan. 11, 2024)

OPINION

HICKS, CLIFFORD MONTRELL v. FULLEN DOCK AND WAREHOUSE

2026 TN WC 49

PER CURIAM.

FILED

Apr 27, 2026

09:24 AM(CT)

TENNESSEE COURT OF
WORKERS' COMPENSATION
CLAIMS

TENNESSEE BUREAU OF WORKERS' COMPENSATION
IN THE COURT OF WORKERS' COMPENSATION CLAIMS
AT MEMPHIS

CLIFFORD MONTRELL HICKS, Docket No. 2023-08-7416 Employee, v.

FULLEN DOCK AND

WAREHOUSE, State File No. 81108-2023 Employer, and

MANUFACTURERS ALLIANCE

INS. CO., Judge Shaterra R. Marion Carrier.

COMPENSATION ORDER GRANTING SUMMARY JUDGMENT

Fullen Dock moved for summary judgment, asserting that Mr. Hicks cannot present evidence of a causal connection between his employment and his injury, which is an essential element of his claim. For the reasons below, the Court holds Mr. Hicks did not present the necessary evidence, and Fullen Dock is entitled to summary judgment as a matter of law. Procedural History Mr. Hicks alleged work-related injuries to his neck, shoulders, and back sustained on June 21, 2022. After an expedited hearing, the Court denied his request for benefits and entered a scheduling order. Fullen Dock then filed this motion. Mr. Hicks did not respond to the motion for summary judgment. The motion hearing took place on April 20, 2026, a Monday. The day before, a Sunday, Mr. Hicks attempted to call in to the hearing. After he emailed requesting confirmation of the hearing, Court staff informed Mr. Hicks of the correct date and time for the hearing. 1 On the hearing date, the Court waited five minutes before starting the hearing. Mr. Hicks did not appear. The hearing concluded ten minutes after the scheduled start time, and Mr. Hicks had still not appeared. Facts Fullen Dock filed a statement of undisputed material facts with citations to the record under Tennessee Rules of Civil Procedure 56.03 (2025). Because Mr. Hicks did not respond, the facts are un rebutted. Among them, Dr. Christopher Pokabla, the only doctor to offer causation testimony, concluded that Mr. Hicks's employment "did not contribute more than 50 percent" in causing his current condition. Law and Analysis Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Tenn. R. Civ. P. 56.04. As the moving party, Fullen Dock must either: (1) submit affirmative evidence that negates an essential element of Mr. Hicks's claim, or (2) demonstrate that his evidence is insufficient to establish an essential element of his claim. Tenn. Code Ann. § 20-16-101 (2025); Rye v. Women's Care Ctr. of Memphis, M PLLC, 477 S.W.3d 235, 264 (Tenn. 2015). If Fullen Dock meets this burden, Mr. Hicks must then establish that the record contains specific facts upon which the Court could base a decision in his favor. Id. at 265. The essential element at issue in this case comes from Tennessee Code Annotated section 50-6-102(12), which requires expert medical proof that the injury arose primarily out of and in the course and scope of employment. A Supreme Court Panel held that the trial court did not err in granting summary judgment, where the employee failed to respond to the motion or offer any medical evidence of causation. Hutchins v. Cardinal Glass Indus., No. E2023- 00587-SC-R3-WC, 2024 Tenn. LEXIS 3, at *11 (Tenn. Workers' Comp. Panel Jan. 11, 2024). Considering the merits of Fullen Dock's motion, the Court finds it successfully negated the essential element of causation through Dr. Pokabla's testimony that Mr. Hicks's employment did not contribute more than 50% to his injury. It further

demonstrated that Mr. Hicks cannot prove medical causation. Just 2 as in Hutchins, Mr. Hicks presented no medical evidence that his injury arose primarily out of and in the course and scope of his employment. Thus, no genuine issue of material fact exists as to causation, and Fullen Dock is entitled to summary judgment as a matter of law. IT IS, THEREFORE, ORDERED as follows:

1. Fullen Dock's motion for summary judgment is granted, and Mr. Hicks's claim against Fullen Dock is dismissed with prejudice to its refiling.
2. Unless appealed, this order shall become final 30 days after entry.
3. The Court taxes the \$150.00 filing fee to Fullen Dock under Tennessee Compilation Rules and Regulations 0800-02-21-.06 (2026), for which execution may issue as necessary.
4. Fullen Dock shall prepare and submit the SD-2 with the Clerk within 10 days of the date of judgment. ENTERED April 27, 2026. _____

JUDGE SHATERRA R. MARION

Court of Workers' Compensation Claims 3

CERTIFICATE OF SERVICE

I certify that a copy of this Order was sent on April 27, 2026. U.S. Name Email Service sent to: Mail Clifford Montrell Hicks, X X Employee's Attorney Donna Wilkerson, dwilkerson@wimberlylawson.com X 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. $\frac{3}{4}$ 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. $\frac{3}{4}$ 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.

NOTICE OF APPEAL

Tennessee Bureau of Workers' Compensation www.tn.gov/workforce/injuries-at-work/ wc.courtclerk@tn.gov

| 1-800-332-2667 Docket No.: _____ State File No.: _____ Date
of _____ Injury: _____

_____ Employee v.
_____ Employer

Notice is given that _____

[List name(s) of all appealing party(ies). Use separate sheet if necessary.] appeals the following order(s) of

the Tennessee Court of Workers' Compensation Claims to the Workers' Compensation Appeals
Board ;ĐŚĢĐŮ ŽŸĢ Žđ ŵŽđĢ ĀĐĐŭ\$ĐĀđŭĢ đ'ŽdzĢĒ ĀŸĒ ŝŸĐŭZĒĢ ĨŚĢ ĒĀĨĢ ĨŝŭĢT

ⒺĀŵĐĢĒ ŽŸ ĨŚĢ ĨŝđⒺ ĐĀŌĢ ŽĨ ĨŚĢ ŽđĒĢđ;Ⓔ đ'ĢŝŸŌ ĀĐĐĢĀŭĢĒ] ☞ Expedited Hearing

Order filed on _____ ☞ Motion Order filed on _____ ☞ Compensation Order
filed on _____ ☞ Other Order filed on _____ issued by Judge

_____. Statement of the

Issues on Appeal Provide a short and plain statement of the issues on appeal or basis for relief on appeal:

Parties Appellant(s) (Requesting Party): _____ :Employer

:Employee Address: _____ Phone:

_____ Email: _____

Attorney's Name: _____ BPR#:

_____ Attorney's Email: _____

Phone: _____ Attorney's Address:

_____ * Attach an

additional sheet for each additional Appellant * LB-1099 rev. 01/20 Page 1 of 2 RDA 11082 Employee

Name: _____ Docket No.: _____ Date of Inj.:

_____ Appellee(s) (Opposing Party): _____

:Employer :Employee Appellee's Address: _____ Phone:

_____ Email: _____

Attorney's Name: _____ BPR#:

_____ Attorney's Email: _____

Phone: _____ Attorney's Address:

_____ * Attach an

additional sheet for each additional Appellee *

CERTIFICATE OF SERVICE

I, _____, certify that I have forwarded a

true and exact copy of this Notice of Appeal by First Class mail, postage prepaid, or in any manner as described in Tennessee Compilation Rules & Regulations, Chapter 0800-02-21, to all parties and/or their attorneys in this case on this the _____ day of _____, 20 ____.

[Signature of appellant or attorney for appellant]

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