

COURT OF APPEAL OF LOUISIANA, SECOND CIRCUIT

Rice v. AT & T

614 So. 2d 358 (2d Cir. 1993) · No. 24466-CA · Decided March 25, 1993

SUMMARY

The plaintiff appealed a denial of workers' compensation benefits after she injured her back while performing routine work tasks. The Louisiana Court of Appeal reversed, holding that the incident qualified as an accident under the amended workers' compensation statute because it was a sudden, identifiable event producing objective injury, even though her back was weakened by a preexisting degenerative condition. On rehearing, the court removed the statutory penalty award because the employer reasonably controverted the claim.

CASE DETAILS

COURT	Court of Appeal of Louisiana, Second Circuit
WRITING FOR THE COURT	Sexton; Norris; Victory
JURISDICTION	Louisiana
DECIDED	March 25, 1993
DOCKET	24466-CA
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from a judgment of an administrative hearing officer denying workers' compensation benefits after granting the defendant's motion for new trial as to reargument only and rescinding an initial award.
STANDARD OF REVIEW	Not expressly stated; the court reviewed the hearing officer's legal conclusion on whether the accepted facts constituted an accident.
PRECEDENTIAL VALUE	Published
PARTIES	Juanita Rice v. AT & T and Travelers Insurance Company

TOPICS

- workers compensation
- statutory interpretation
- legislative intent
- employment law

PRACTICE AREAS

- Workers' Compensation
- Employment Law
- Statutory Interpretation

QUESTIONS PRESENTED

1. Whether the plaintiff suffered a compensable 'accident' under LSA-R.S. 23:1021(1) when a relatively minor, routine work movement directly produced objective injury against a background of a preexisting degenerative spinal condition.
2. Whether statutory penalties under LSA-R.S. 23:1201E should be awarded when the employer reasonably controverted the employee's right to benefits.

HOLDINGS

1. Where a worker suffers from a gradually deteriorating or progressively degenerative condition, the legislature did not intend to limit the definition of accident to only extraordinary exertions; a relatively minor occurrence that directly produces sudden objective findings of injury is an accident.
2. Statutory penalties should not be awarded when the employee's right to benefits was reasonably controverted by the employer.

KEY QUOTATIONS

"'Accident' means an unexpected or unforeseen actual, identifiable, precipitous event happening suddenly or violently, with or without human fault, and directly producing at the time objective findings of an injury which is more than simply a gradual deterioration or progressive degeneration." (359)

"'Accident' means an unexpected or unforeseen event happening suddenly or violently, with or without human fault, and producing at the time objective symptoms of an injury." (359)

"Heart-related or perivascular injuries. A heart-related or perivascular injury, illness, or death shall not be considered a personal injury by accident arising out of and in the course of employment and is not compensable pursuant to this Chapter unless it is demonstrated by clear and convincing evidence that: (i) The physical work stress was extraordinary and unusual in comparison to the stress or exertion experienced by the average employee in that occupation, and (ii) The physical work stress or exertion, and not some other source of stress or preexisting condition, was the predominant and major cause of the heart-related or perivascular injury, illness, or death." (360)

"We suggest that a compensation scheme that compensates an employee because his degenerative condition suddenly collapses from the continual strain, trauma or exposure in his work place, but does not compensate the employee whose condition deteriorates over a period of time to the extent he cannot work, but does not actually suffer a "collapse", is logically inconsistent." (361)

FACTUAL BACKGROUND

On March 27, 1990, plaintiff Juanita Rice was working on the assembly line at AT & T installing parts in cable telephones. She attempted to push her chair closer to the assembly line while twisting and turning to reach parts, and felt a tightness in her back radiating into her right leg, causing her leg to go numb. She had a history of back troubles, including surgery in July 1989 to remove a ruptured disc at the L4-L5 level. An MRI on April 5, 1990, revealed a large recurrent disc at L4-L5, and her treating physician opined that she had reinjured herself or suffered a second injury stemming from a preexisting degenerative spinal condition.

PROCEDURAL HISTORY

The hearing officer initially awarded plaintiff temporary total disability benefits, penalties, and medical expenses. On defendant's motion for new trial, the hearing officer rescinded that judgment and dismissed plaintiff's claim with prejudice. Plaintiff appealed.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand. The judgment of December 13, 1991, in favor of plaintiff is reinstated, with the 12% penalty provision deleted.

CASES CITED

- Dyson v. State Employees Group Benefits Program, 610 So. 2d 953 (La. App. 1st Cir. 1992)
- Nelson v. Roadway Express, Inc., 573 So. 2d 591, 595 n.3 (La. App. 2d Cir. 1991), reversed on other grounds, 588 So. 2d 350 (La. 1991)
- McCoy v. Kroger Company, 431 So. 2d 824, 829-30 (La. App. 2d Cir. 1983)