

SUPREME COURT OF NORTH CAROLINA

Davis v. Harrah's Cherokee Casino, 362 N.C. 133

655 S.E.2d 392 (2008) · No. No. 456A06 · Decided January 25, 2008

SUMMARY

The Supreme Court of North Carolina affirmed an award of workers' compensation benefits to William Davis for ongoing disability and medical treatment following a workplace back injury. The court held that competent evidence supported the Industrial Commission's findings that the original injury and first surgery caused degenerative changes, the subsequent surgery, and continuing disability. It also held that analysis of an intervening cause was unnecessary because the Commission properly found that the later treatment and disability resulted directly from the original compensable injury.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Hudson, Justice
JURISDICTION	North Carolina
DECIDED	January 25, 2008
DOCKET	No. 456A06
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed from the Court of Appeals' divided decision affirming the Industrial Commission's workers' compensation opinion and award. The appeal was taken as of right based on the dissent, and the Supreme Court granted discretionary review of additional issues.
STANDARD OF REVIEW	The Industrial Commission's findings of fact are conclusive on appeal when supported by competent evidence, even if evidence would support contrary findings. Evidence supporting the claimant is viewed in the light most favorable to the claimant, who receives the benefit of every reasonable inference. Appellate review is limited to whether the findings are supported by competent evidence and whether the conclusions of law are justified by the findings.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of North Carolina
PARTIES	Harrah's Cherokee Casino, Legion Insurance Company v. William Davis

TOPICS

workers compensation

employment law

PRACTICE AREAS

workers compensation

employment law

QUESTIONS PRESENTED

1. Whether competent evidence supported the Industrial Commission's findings that Davis's second surgery and continuing disability were causally related to his original compensable work injury.
2. Whether the Commission properly concluded that the defendants were responsible for medical treatment and disability benefits arising after Davis's fall at home.
3. Whether the fall at home constituted an intervening causal event that broke the chain of causation.
4. Whether the Court of Appeals properly applied the standard of review to the Commission's factual findings.

HOLDINGS

1. Competent evidence supported the Commission's findings that Davis's first surgery made him more prone to degenerative changes and that the second surgery involved treatment of degenerative changes and scar tissue related to the original injury and first surgery.
2. The Commission's findings supported its conclusions that the original compensable injury caused the second surgery, follow-up treatment, and ongoing disability, making the defendants responsible for the associated benefits.
3. The Court did not need to decide the intervening-cause issue because the Commission properly found that the second surgery and ongoing disability resulted directly from the original compensable injury and first surgery.

KEY QUOTATIONS

"The Workers' Compensation Act provides that the Industrial Commission is the sole judge of the credibility of the witnesses and the weight of the evidence." (at 394-395)

"We have repeatedly held that the Commission's findings of fact "are conclusive on appeal when supported by competent evidence, even though there be evidence that would support findings to the contrary."" (at 395)

"We conclude that application of these principles is not necessary to the disposition of this case." (at 397)

FACTUAL BACKGROUND

In May 2001, William Davis injured his back while removing a monitor from a slot machine at work and underwent a microlumbar discectomy in September 2001. He continued to experience back and leg pain, later fell at home, and underwent a second surgery in April 2002. The Industrial Commission found that scar tissue and degenerative changes associated with the original injury and first surgery necessitated the second surgery

and contributed to Davis's continuing total disability. Harrah's eventually terminated Davis for failing to return to work.

PROCEDURAL HISTORY

The Industrial Commission found that Davis's ongoing disability, second back surgery, and follow-up medical treatment resulted from his compensable May 2001 work injury and awarded medical and disability benefits. The Court of Appeals affirmed in a divided opinion, with the majority upholding the award and concluding that Davis's fall at home did not break the causal chain. The Supreme Court modified and affirmed the Court of Appeals' opinion.

DISPOSITION

affirmed

CASES CITED

- Adams v. AVX Corp., 349 N.C. 676, 680-81, 509 S.E.2d 411, 413-14 (1998)
- Anderson v. Lincoln Constr. Co., 265 N.C. 431, 433-34, 144 S.E.2d 272, 274 (1965)
- Jones v. Myrtle Desk Co., 264 N.C. 401, 402, 141 S.E.2d 632, 633 (1965) (per curiam)
- Deese v. Champion Int'l Corp., 352 N.C. 109, 115, 530 S.E.2d 549, 553 (2000)
- Clark v. Wal-Mart, 360 N.C. 41, 43, 619 S.E.2d 491, 492 (2005)
- Hendrix v. Linn-Corriher Corp., 317 N.C. 179, 186, 345 S.E.2d 374, 379 (1986)
- Horne v. Universal Leaf Tobacco Processors, 119 N.C. App. 682, 459 S.E.2d 797, disc. rev. denied, 342 N.C. 192, 463 S.E.2d 237 (1995)
- Davis v. Harrah's Cherokee Casino, 178 N.C. App. 609, 632 S.E.2d 579 (2006)