

SUPREME COURT OF ALABAMA

Ceasco, Inc. v. Byrom

895 So. 2d 942 (Ala. 2004) · Decided April 2, 2004

SUMMARY

The Alabama Supreme Court reviewed whether an employee’s lightning-strike injury while using a corded telephone at work was an accidental injury arising out of and in the course of employment under Alabama’s Workers’ Compensation Act. The court held that the event constituted an accident and that the evidence supported a causal connection to the employee’s work, reversing the Court of Civil Appeals and remanding for entry of a consistent judgment.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Johnstone, Justice; See; Lyons; Harwood; Woodall; Stuart; Houston; Brown
JURISDICTION	Alabama
DECIDED	April 2, 2004
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Byrom obtained a workers' compensation award after a trial in the circuit court. The Alabama Court of Civil Appeals reversed and remanded with instructions to enter judgment for Ceasco. Byrom petitioned the Alabama Supreme Court for a writ of certiorari, asserting conflict with prior decisions and presenting an issue of first impression.
STANDARD OF REVIEW	On certiorari review, the Supreme Court accords no presumption of correctness to the legal conclusions of the Court of Civil Appeals and applies de novo the standard of review applicable in that court.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Alabama
PARTIES	Ceasco, Inc., d/b/a Skill Lube v. Richard Byrom

TOPICS

- workers compensation
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the lightning strike and resulting injury constituted an accident under Alabama's Workers' Compensation Act.
2. Whether Byrom proved that the accident arose out of and in the course of his employment by establishing legal causation.
3. Whether the Court of Civil Appeals applied the correct standard for determining whether the injury arose out of the employment.

HOLDINGS

1. The lightning strike was an accident because it was an unexpected or unforeseen event happening suddenly and violently and producing injury, as defined by Ala. Code § 25-5-1(7).
2. Byrom presented sufficient evidence that the lightning-strike injury arose out of his employment because his employment subjected him to a risk not common to the relevant comparison class, namely the employer's other employees, and that risk caused his injury.
3. The Supreme Court reviews the Court of Civil Appeals' legal conclusions de novo and found that court's characterization of the injury and application of the legal-causation requirement erroneous.

KEY QUOTATIONS

“We hold that the event causing By-rom’s injury was an “accident” as defined by § 25-5-1(7).” (947)

“The record sup-ports the conclusion that the plaintiffs employment subjected him to a risk of injury not common to the only class addressed by the parties and the trial court and that this greater-than-eommon risk did, in fact, cause the plaintiffs injury.” (949)

FACTUAL BACKGROUND

Richard Byrom was a service manager for Ceasco and worked approximately 50 to 60 hours per week. His duties required him to spend approximately 15 to 18 hours per week using a corded telephone, primarily to order parts; no other employee performed the employer's parts-ordering work. During a storm on July 24, 1998, lightning struck while Byrom was using the telephone, after which he was thrown or moved away from the telephone, experienced severe pain and other symptoms, and was taken to a hospital. Medical evidence attributed his post-concussion syndrome, headaches, memory loss, and related neurological problems to the lightning strike.

PROCEDURAL HISTORY

Byrom sued his former employer for workers' compensation benefits arising from injuries allegedly caused by a lightning strike while he was using a corded telephone at work. After a trial on oral testimony and written exhibits, the trial court found him permanently and totally disabled and awarded benefits. The Court of Civil Appeals held that the injury was nonaccidental and that Byrom failed to prove that his employment exposed him

to a materially greater risk of lightning strike than the general public. The Supreme Court reversed the Court of Civil Appeals and remanded for entry of a judgment consistent with its opinion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded to the Alabama Court of Civil Appeals for entry of a judgment consistent with the Supreme Court's opinion, which required reinstatement of the trial court's judgment in favor of Byrom.

CASES CITED

- Ex parte Trinity Industries, Inc., 680 So. 2d 262 (Ala. 1996)
- American Fuel & Clay Products Co. v. Gilbert, 221 Ala. 44, 127 So. 540 (1930)
- Morell v. Tennessee Valley Press, Inc., 716 So. 2d 1282 (Ala. Civ. App. 1998)
- Ceasco, Inc. v. Byrom, 895 So. 2d 932 (Ala. Civ. App. 2002)
- Ex parte Toyota Motor Corp., 684 So. 2d 132 (Ala. 1996)
- Riley v. Perkins, 282 Ala. 629, 213 So. 2d 796 (1968)
- Moore v. Reeves, 589 So. 2d 173 (Ala. 1991)
- Kroger Co. v. Millsap, 280 Ala. 531, 196 So. 2d 380 (1967)
- Baggett Transp. Co. v. Holderfield, 260 Ala. 56, 68 So. 2d 21 (1953)
- Hamilton Motor Co. v. Cooner, 254 Ala. 422, 47 So. 2d 270 (1950)
- Mobile Liners v. McConnell, 220 Ala. 562, 126 So. 626 (1930)
- IMED Corp. v. Systems Eng'g Assocs. Corp., 602 So. 2d 344 (Ala. 1992)
- Alabama Textile Prods. Corp. v. Grantham, 263 Ala. 179, 82 So. 2d 204 (1955)

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