

SUPREME COURT OF ALABAMA

Ex parte Professional Business Owners Association Workers' Compensation Fund and Piknik Products Company, Inc. (In re Samson Addy, surviving dependent spouse of Annie Addy, et al. v. Professional Business Owners Association Workers' Compensation Fund and Piknik Products Company, Inc.)

867 So. 2d 1099 (Ala. 2003) · No. 1011786 · Decided April 25, 2003

SUMMARY

The Supreme Court of Alabama held that the Court of Civil Appeals improperly considered evidence that the trial court had treated as inadmissible hearsay and that the respondent had not challenged on appeal. The court reversed and remanded with directions to affirm the trial court's judgment that Annie Addy's death was not compensable under the Alabama Workers' Compensation Act. A dissent argued that the ore tenus standard did not apply to stipulated facts and written evidentiary materials and that the majority inferred too much from the trial court's order.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Stuart, Justice; Moore, Chief Justice; Houston, Justice; See, Justice; Lyons, Justice; Brown, Justice; Harwood, Justice; Woodall, Justice; Johnstone, Justice
JURISDICTION	Alabama
DECIDED	April 25, 2003
DOCKET	1011786
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Professional petitioned the Supreme Court of Alabama for a writ of certiorari to review the Court of Civil Appeals' reversal of a trial-court judgment holding that Annie Addy's death was not work related and therefore was not compensable under the Alabama Workers' Compensation Act.
STANDARD OF REVIEW	Under Ala. Code § 25-5-81(e)(1), legal issues and the standard of proof in workers' compensation cases are reviewed without a presumption of correctness. Findings of fact are reviewed for

	substantial evidence under § 25-5-81(e)(2), and the reviewing court must view the facts in the light most favorable to the trial court's findings. The majority applied that substantial-evidence framework to the trial court's findings.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential.
PARTIES	Professional Business Owners Association Workers' Compensation Fund v. Samson Addy, surviving dependent spouse of Annie Addy

TOPICS

workers compensation

appellate procedure

hearsay

standard of review

preservation of error

PRACTICE AREAS

workers compensation

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evidence

QUESTIONS PRESENTED

1. Whether the Court of Civil Appeals improperly considered and relied on evidence that the trial court had determined was inadmissible and that the appellee had not challenged as error on appeal.
2. Whether the Court of Civil Appeals was required to review the trial court's workers' compensation findings in the light most favorable to those findings and defer to findings supported by substantial evidence.

HOLDINGS

1. The Court of Civil Appeals erred by considering and relying on testimony that the trial court had excluded from its findings as inadmissible hearsay and that Samson Addy had not challenged on appeal.
2. The trial court's findings of fact could not be reversed if supported by substantial evidence, and the appellate court was required to view the facts in the light most favorable to those findings.

KEY QUOTATIONS

“Generally, an appellate court is limited to considering only those issues raised on appeal.” (867 So. 2d at 1101)

“Therefore, we conclude that it was error to consider evidence excluded by the trial court and not properly before the Court of Civil Appeals.” (867 So. 2d at 1102)

FACTUAL BACKGROUND

Annie Bibb Addy was an employee of Piknik Products Company, Inc. when she was murdered by a coworker, Richard Flowers. Professional and Piknik disputed whether the murder arose out of or was otherwise sufficiently related to Addy's employment to be compensable under the Alabama Workers' Compensation Act. The trial court relied on stipulated facts and written evidentiary materials and found that the death was not work related, while

the Court of Civil Appeals relied on additional testimony that the trial court had excluded from its findings as hearsay or speculation.

PROCEDURAL HISTORY

Professional and Piknik initially sought a declaratory judgment concerning whether Annie Addy's death was work related and moved for summary judgment and to strike hearsay testimony. The trial court denied Professional's initial and renewed summary-judgment motions, dismissed Piknik, and, after a mistrial, decided the case on stipulated facts and written evidentiary materials, finding that the death was not work related. The Court of Civil Appeals reversed, relying in part on evidence the trial court had excluded from its findings. The Supreme Court of Alabama granted certiorari, reversed the Court of Civil Appeals, and remanded with directions to affirm the trial court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Civil Appeals was directed to affirm the trial court's judgment that Annie Addy's death was not work related.

CASES CITED

- Addy v. Professional Bus. Owners Ass'n Workers' Comp. Fund, 867 So. 2d 1093 (Ala. Civ. App. 2002)
- Harding v. Pierce Hardy Real Estate, 628 So. 2d 461, 462 (Ala. 1993)
- West v. Founders Life Assurance Co. of Florida, 547 So. 2d 870, 871 (Ala. 1989)
- Ex parte Trinity Industries, Inc., 680 So. 2d 262, 269 (Ala. 1996)
- Ceasco, Inc. v. Byrom, [Ms. 2010541, Nov. 15, 2002] ___ So. 2d ___ (Ala. Civ. App. 2002)
- Whitsett v. BAMSI, Inc., 652 So. 2d 287, 290 (Ala. Civ. App. 1994)
- McGhee v. International Paper Co., 729 So. 2d 880 (Ala. Civ. App. 1999)
- Holy Family Catholic School v. Boley, 847 So. 2d 371, 374 (Ala. Civ. App. 2002)