

TENNESSEE WORKERS' COMPENSATION APPEALS BOARD

Mary Christina Shurina, as Personal Representative of the Estate of Gregory Joseph Shurina, Decedent Employee v. FedEx Ground, et al.

2025 TN WC App. 64 · No. 2021-03-0083 · Decided December 30, 2025

SUMMARY

The Tennessee Workers’ Compensation Appeals Board affirmed an order requiring the personal representative of a deceased employee’s estate to retain licensed counsel because the estate could not litigate its workers’ compensation claim pro se. The Board held that any claim for the statutory lump-sum death benefit belongs to the estate, an artificial legal entity, and remanded the case.

CASE DETAILS

COURT	Tennessee Workers' Compensation Appeals Board
WRITING FOR THE COURT	Timothy W. Conner; Pele I. Godkin; Meredith B. Weaver
JURISDICTION	Tennessee Workers’ Compensation Appeals Board
DECIDED	December 30, 2025
DOCKET	2021-03-0083
DISPOSITION	affirmed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal from an order of the Tennessee Court of Workers' Compensation Claims requiring the estate to retain licensed counsel because neither the estate nor its personal representative could litigate pro se on the estate's behalf.
PRECEDENTIAL VALUE	Published
PARTIES	Mary Christina Shurina, as Personal Representative of the Estate of Gregory Joseph Shurina, Decedent Employee v. FedEx Ground, et al.

TOPICS

- workers compensation
- appellate procedure
- administrative law
- civil procedure

PRACTICE AREAS

- workers compensation
- administrative law
- civil procedure

QUESTIONS PRESENTED

1. Whether an estate of a deceased worker, acting through its executor, administrator, or personal representative, may litigate before the Tennessee Court of Workers' Compensation Claims or Workers' Compensation Appeals Board without representation by a licensed attorney.
2. Whether the personal representative may pursue the statutory lump-sum death benefit available when a deceased employee leaves no dependents in a pro se capacity.

HOLDINGS

1. An estate, as an artificial legal entity, may not litigate before the Tennessee Court of Workers' Compensation Claims or the Workers' Compensation Appeals Board without representation by a licensed attorney.
2. The statutory lump-sum benefit payable when a deceased employee leaves no dependents belongs to the estate, not to the personal representative or individual beneficiaries; therefore, the personal representative may not pursue that claim pro se on the estate's behalf.

KEY QUOTATIONS

“The sole issue in this interlocutory appeal is whether the estate of a deceased worker, through its executor, administrator, or personal representative, can litigate a case in the Tennessee Court of Workers’ Compensation Claims and/or the Workers’ Compensation Appeals Board without being represented by an attorney.” (at 1)

“In short, a claim for the benefit provided in subsection 209(b)(2) belongs to the estate of the deceased worker, not to the personal representatives or beneficiaries of that estate.” (at 2)

“Nevertheless, we cannot ignore clear statutory and regulatory directives, and we are bound by precedent that requires an artificial legal entity, such as an estate, to have legal representation in court.” (at 3)

FACTUAL BACKGROUND

Gregory Joseph Shurina, a deceased employee, allegedly suffered a work-related death, and his estate sought workers' compensation benefits. The parties agreed that he left no dependents within the meaning of Tennessee Code Annotated section 50-6-210. The personal representative attempted to pursue the estate's claim without counsel, but the trial court required the estate to be represented by a licensed attorney.

PROCEDURAL HISTORY

The personal representative filed a pro se petition seeking workers' compensation benefits allegedly arising from the decedent employee's work-related death. The parties agreed that the decedent had no dependents under Tennessee's Workers' Compensation Law. After the personal representative filed a hearing request and motion for protective order, the trial court ruled that the estate and its personal representative could not proceed pro se and directed the estate to hire a licensed attorney. The Appeals Board affirmed and remanded.

DISPOSITION

affirmed_and_remanded

REMAND INSTRUCTIONS

The case is remanded for further proceedings consistent with the requirement that the estate be represented by a licensed attorney.

CASES CITED

- *Hadzic v. Averitt Express*, No. 2014-02-0064, 2015 TN Wrk. Comp. App. Bd. LEXIS 14 (Tenn. Workers' Comp. App. Bd. May 18, 2015)
- *Kogan v. Tenn. Bd. of Dentistry*, No. M2003-00291-COA-R3-CV, 2003 Tenn. App. LEXIS 933 (Tenn. Ct. App. Dec. 30, 2003)
- *Grose v. Stone*, No. W2023-00090-COA-R3-CV, 2024 Tenn. App. LEXIS 186 (Tenn. Ct. App. Apr. 25, 2024)
- *Beard v. Branson*, 528 S.W.3d 487, 495 (Tenn. 2017)
- *Old Hickory Eng'g and Mach. Co. v. Henry*, 937 S.W.2d 782, 786 (Tenn. 1996)
- *Campbell v. Walker's Crane Serv.*, 1984 Tenn. LEXIS 933, at *7 (Tenn. Aug. 6, 1984)
- *Wigdor v. Elec. Research & Mfg. Coop., Inc.*, No. 2022-07-0416, 2023 TN Wrk. Comp. App. Bd. LEXIS 57 (Tenn. Workers' Comp. App. Bd. Nov. 21, 2023)