

TENNESSEE WORKERS' COMPENSATION APPEALS BOARD

Candie Marie Hernandez v. Wal-Mart Associates, Inc., et al.

Hernandez, 2026 TN WC App. 10 (Tennessee Workers' Compensation Appeals Board 2026) · No. 2024-30-6638
· Decided February 27, 2026

SUMMARY

The Tennessee Workers’ Compensation Appeals Board reviewed an interlocutory appeal concerning the scope of discovery in a workers’ compensation claim arising from workplace carbon-monoxide exposure. The Board held that the employee’s requests for investigative information, policies, witness identities, and related documents were relevant despite the employer’s initiation of benefits, affirmed the trial court’s discovery order, deemed the appeal frivolous, 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	February 27, 2026
DOCKET	2024-30-6638
DISPOSITION	affirmed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal by the employer from an order of the Court of Workers' Compensation Claims granting the employee's motion to compel discovery, denying the employer's motions for protective orders, and holding the employee's sanctions request in abeyance.
STANDARD OF REVIEW	Discovery decisions are reviewed for abuse of discretion. Factual findings are presumed correct unless the preponderance of the evidence is otherwise. Whether the trial court applied an incorrect legal standard is reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential decision of the Tennessee Workers' Compensation Appeals Board.
PARTIES	Wal-Mart Associates, Inc. v. Candie Marie Hernandez

TOPICS

- discovery dispute
- civil procedure
- workers compensation
- appellate procedure
- standard of review

PRACTICE AREAS

workers' compensation

civil procedure

appellate procedure

employment law

QUESTIONS PRESENTED

1. Whether the employee's discovery requests sought information relevant to the workers' compensation claim or reasonably calculated to lead to the discovery of admissible evidence under Tennessee Rule of Civil Procedure 26.02.
2. Whether the employer established good cause for protective orders based on alleged confidentiality, trade-secret, burden, expense, annoyance, oppression, or potential use of the information in third-party litigation.
3. Whether the employer complied with Tennessee Rule of Civil Procedure 33.01 by providing interrogatory answers signed and sworn to by an authorized officer or agent.
4. Whether the employer's interlocutory appeal was frivolous and warranted an award of damages, attorney fees, or costs.

HOLDINGS

1. Discovery concerning the circumstances, cause, intensity, and duration of the carbon-monoxide leak; subsequent investigations; involved persons; investigative reports; workplace-injury policies; and governmental communications was relevant to Hernandez's workers' compensation claim or reasonably calculated to lead to the discovery of admissible evidence.
2. The trial court did not abuse its discretion by denying Wal-Mart's protective-order motions because Wal-Mart failed to establish good cause or a clearly defined injury that would result from disclosure.
3. Wal-Mart had not complied with Rule 33.01 because its interrogatory responses were not shown to have been made and sworn to by an authorized officer or agent of Wal-Mart.
4. Wal-Mart's appeal was frivolous because its arguments had no reasonable chance of succeeding and did not provide a serious basis for withholding relevant discovery or entering a protective order.

KEY QUOTATIONS

"[T]he crucial issue in determining the relevance of any particular information for the purposes of Rule 26, and therefore its discoverability, is whether it has (or will lead to information which has) some probative value as to the subject matter involved in the pending action." (7)

"Employer's interpretation of Rule 26 and the scope of discovery in workers' compensation cases is unduly restrictive and untenable." (10)

"To establish good cause . . . , the moving party must show that disclosure will result in a clearly defined injury to the party seeking closure." (11)

"Employer has produced no evidence establishing good cause for the trial court to enter a protective order." (12)

"As a result, we conclude that Employer has, to date, failed to comply with Rule 33.01." (13)

“In short, Employer’s appeal had no reasonable chance of succeeding.” (14)

FACTUAL BACKGROUND

On April 30, 2024, Hernandez was exposed to carbon monoxide while working at a Sam's Club in Knox County, Tennessee. Wal-Mart acknowledged the occurrence of the event and began paying temporary disability and medical benefits, but expressly reserved the right to assert later defenses and disputed the nature and extent of Hernandez's alleged permanent disability. Hernandez sought information concerning persons involved in investigating the leak, investigative reports, workplace-injury policies, and communications with governmental agencies. Wal-Mart objected on relevance, confidentiality, trade-secret, burden, and third-party-litigation grounds.

PROCEDURAL HISTORY

Hernandez filed a petition for benefit determination after a workplace carbon-monoxide exposure. The parties litigated multiple motions to compel, motions for protective orders, and related discovery disputes. The trial court ordered Wal-Mart to produce discovery within its knowledge and control, denied its protective-order motions, and held sanctions issues in abeyance. The Appeals Board affirmed, found the appeal frivolous, and remanded for consideration of damages, attorney fees, and costs.

DISPOSITION

affirmed_and_remanded

REMAND INSTRUCTIONS

The trial court must consider what damages, including reasonable attorney fees and costs, should be assessed against Wal-Mart for the frivolous appeal. Costs on appeal are taxed to Wal-Mart.

CASES CITED

- Doe 1 ex rel. Doe 1 v. Roman Cath. Diocese of Nash., 154 S.W.3d 22, 42 (Tenn. 2005)
- Konvalinka v. Chattanooga-Hamilton Cnty. Hosp. Auth., 249 S.W.3d 346, 358 (Tenn. 2008)
- Funk v. Scripps Media, Inc., 570 S.W.3d 205, 210 (Tenn. 2019)
- Lee Med., Inc. v. Beecher, 312 S.W.3d 515, 524-25 (Tenn. 2010)
- Discover Bank v. Morgan, 363 S.W.3d 479, 487 (Tenn. 2012)
- Hurt v. Vinebrook Homes Trust, Inc., No. 2025-80-1095, 2025 TN Wrk. Comp. App. Bd. LEXIS 52, at *11 (Tenn. Workers’ Comp. App. Bd. Oct. 6, 2025)
- West v. Schofield, 460 S.W.3d 113, 125, 127-28 (Tenn. 2015)
- Thomas v. Oldfield, No. M2006-02767-COA-R9-CV, 2007 Tenn. App. LEXIS 680, at *9, *11, *13 (Tenn. Ct. App. Nov. 7, 2007)
- Overstreet v. Shoney’s, Inc., 4 S.W.3d 694, 701 (Tenn. Ct. App. 1999)
- Prater v. Louisville & Nash. R.R. Co., 462 S.W.2d 514, 518 (Tenn. Ct. App. 1970)

- Knizley v. Knizley, No. M2018-00490-COA-R3-CV, 2019 Tenn. App. LEXIS 576, at *6 (Tenn. Ct. App. Nov. 27, 2019)
- In re NHC – Nash. Fire Litig., 293 S.W.3d 547, 560-61 (Tenn. Ct. App. 2008)
- Ballard v. Herzke, 924 S.W.2d 652, 658 (Tenn. 1996)
- Elliott v. Cobb, 320 S.W.3d 246, 250 (Tenn. 2010)
- Yarbrough v. Protective Servs. Co., Inc., No. 2015-08-0574, 2016 TN Wrk. Comp. App. Bd. LEXIS 3, at *11 (Tenn. Workers' Comp. App. Bd. Jan. 25, 2016)
- Combustion Eng'g, Inc. v. Kennedy, 562 S.W.2d 202, 205 (Tenn. 1978)
- Adkins v. Studsvik, Inc., No. E2014-00444-SC-R3-WC, 2015 Tenn. LEXIS 588, at *30 (Tenn. Workers' Comp. Panel July 21, 2015)
- Clark v. Nash. Mach. Elevator Co., 129 S.W.3d 42, 50 n.4 (Tenn. 2004)
- Davis v. Gulf Ins. Grp., 546 S.W.2d 583, 586 (Tenn. 1977)

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