

TENNESSEE COURT OF WORKERS' COMPENSATION CLAIMS

Romero, Mauricio v. Joachin Magdiel

Romero, 2025 TN WC 93 (Tennessee Court of Workers' Compensation Claims 2025) · No. 2024-70-7659 ·
Decided December 22, 2025

SUMMARY

The Tennessee Court of Workers' Compensation Claims denied Mauricio Romero's request for medical benefits after finding that he had not shown a likelihood of proving an employee-employer relationship with Joachin Magdiel. The court concluded that the evidence addressed primarily payment and safety equipment, and was insufficient regarding the remaining employee-versus-independent-contractor factors, particularly control of the work. The order scheduled a status hearing and included instructions for appealing the expedited order.

CASE DETAILS

COURT	Tennessee Court of Workers' Compensation Claims
WRITING FOR THE COURT	Amber E. Luttrell
JURISDICTION	Tennessee Court of Workers' Compensation Claims
DECIDED	December 22, 2025
DOCKET	2024-70-7659
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner's request for workers' compensation medical benefits was considered at an expedited hearing to determine whether he was likely to establish an employee-employer relationship and prevail on the merits.
STANDARD OF REVIEW	At an expedited hearing, the petitioner must show that he is likely to prevail at a hearing on the merits.
PRECEDENTIAL VALUE	Published
PARTIES	Mauricio Romero v. Joachin Magdiel

TOPICS

- workers compensation
- employment law
- construction law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Romero showed that he was likely to establish an employee-employer relationship with Magdiel for purposes of obtaining workers' compensation medical benefits.
2. Whether the evidence presented at the expedited hearing was sufficient under Tennessee's employee-versus-independent-contractor factors to show that Romero was likely to prevail at trial.

HOLDINGS

1. At an expedited hearing, the petitioner must show that he is likely to prevail at a hearing on the merits.
2. Romero did not present sufficient evidence at the expedited hearing to show that he was likely to succeed in proving that he was Magdiel's employee on the date of injury.

KEY QUOTATIONS

“No single aspect of a work relationship is conclusive in deciding whether a worker is an employee or independent contractor.” (2)

“Therefore, Mr. Romero did not offer sufficient evidence at this hearing showing he is likely to prevail at trial.” (3)

FACTUAL BACKGROUND

Romero testified that he was working on a hotel construction project on December 8, 2023, when he fell from the second floor and fractured both ankles. He received surgery and continued medical treatment, but lacked insurance to attend prescribed physical therapy. The parties disputed whether Romero was Magdiel's employee or an independent contractor; evidence addressed payments after the injury and responsibility for safety equipment, but did not establish who controlled the work or the other statutory employment-classification factors.

PROCEDURAL HISTORY

Romero sought medical benefits for bilateral ankle injuries allegedly sustained while working on a hotel construction project for Magdiel. After an expedited hearing, the Court of Workers' Compensation Claims denied the request without prejudice at that time and ordered the parties to schedule a status hearing. The order stated that it could be appealed to the Workers' Compensation Appeals Board.

DISPOSITION

other

REMAND INSTRUCTIONS

The request for medical benefits was denied at this time, and the court's legal assistant was directed to contact the parties to schedule a status hearing.

CASES CITED

- McCord v. Advantage Human Resourcing, 2015 TN Wrk. Comp. App. Bd. LEXIS 6, at *7-8 (Mar. 27, 2015)
- Smiley v. Four Seasons Coach Leasing, Inc., 2016 TN Wrk. Comp. App. Bd. LEXIS 28, at *10-11 (July 15, 2016)

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