

SUPREME COURT OF TENNESSEE

Ana R. Padilla v. Twin City Fire Insurance Company

324 S.W.3d 507 (Tenn. 2010) · No. M2008-02489-SC-WCM-WC · Decided October 6, 2010

SUMMARY

The Tennessee Supreme Court considered whether the unsolved fatal shooting of an employee on his employer's premises arose out of employment and was compensable under Tennessee's Workers' Compensation Law. The Court declined to adopt a nonstatutory presumption favoring compensability for neutral assaults and affirmed the denial of benefits. Justice Gary R. Wade dissented, concluding that the circumstantial evidence and the street risk doctrine supported recovery.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	William C. Koch, Jr.; Janice M. Holder; Sharon G. Lee
JURISDICTION	Tennessee
DECIDED	October 6, 2010
DOCKET	M2008-02489-SC-WCM-WC
DISPOSITION	affirmed
PROCEDURAL POSTURE	The surviving spouse appealed the denial of workers' compensation death benefits after a bench trial. The Special Workers' Compensation Appeals Panel affirmed, and the Tennessee Supreme Court granted full-court review by permission.
STANDARD OF REVIEW	Workers' compensation factual findings are reviewed de novo on the record with a presumption of correctness unless the evidence preponderates otherwise. Findings based on live testimony receive considerable deference, while documentary-evidence findings do not receive similar deference. Questions of law and the application of law to facts are reviewed without a presumption of correctness.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion; precedential.
PARTIES	Ana R. Padilla v. Twin City Fire Insurance Company

TOPICS

workers compensation

appellate procedure

standard of review

evidence

PRACTICE AREAS

workers compensation

insurance

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QUESTIONS PRESENTED

1. Whether the evidence preponderated against the finding that the motive for Sanchez's killing was not a burglary.
2. Whether the evidence preponderated against the finding that the street risk doctrine did not apply.
3. Whether Tennessee law should recognize a nonstatutory presumption that an injury caused by a neutral assault at work is compensable unless the employer proves that it arose from the employee's personal activities.

HOLDINGS

1. The evidence did not preponderate against the trial court's finding that the shooting was a neutral-force assault rather than an assault inherently connected to Sanchez's employment.
2. The street risk doctrine did not provide the causal connection necessary to make Sanchez's neutral assault compensable.
3. Tennessee does not recognize a general nonstatutory presumption that an employee injured by a neutral assault at work is entitled to workers' compensation benefits.

KEY QUOTATIONS

“Assaults falling into the third category “depend[s] on the facts and circumstances of the employment.”” (512)

“The evidence can also be reasonably viewed to be inconsistent with a burglary.” (512)

“The presumption that Ms. Padilla asks us to adopt is another variant of the positional risk doctrine.” (515)

“Accordingly, we decline Ms. Padilla’s request to depart from our past precedents and leave it to the General Assembly to engraft such a presumption onto the Workers’ Compensation Law if it so chooses.” (515)

FACTUAL BACKGROUND

Jose Sanchez was employed by Xelica LLC and was generally the first employee to arrive at the company's manufacturing shop, where he had permission to open the building and begin work. On July 13, 2007, he was found inside the shop with fatal gunshot wounds; the motive was never established, nothing was stolen, and investigators found no connection to his personal life or criminal activity. Xelica was located in an area with significant criminal activity and had previously been burglarized, but it was not open to the public, Sanchez's duties did not require public interaction, and there was no evidence that the employment exposed him to public dangers.

PROCEDURAL HISTORY

Ana R. Padilla filed a claim in the Davidson County Chancery Court seeking workers' compensation death benefits for herself and her daughter after Jose Sanchez was fatally shot at his workplace. The trial court found the shooting to be a neutral assault, declined to apply the street risk doctrine, and dismissed the complaint. The Special Workers' Compensation Appeals Panel affirmed, and the Tennessee Supreme Court affirmed both lower-court judgments while remanding for any proceedings consistent with its opinion.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case was remanded to the trial court for whatever proceedings consistent with the opinion may be required. Costs were taxed to Ana R. Padilla and her surety.

CASES CITED

- *Trosper v. Armstrong Wood Prods., Inc.*, 273 S.W.3d 598, 609 n.5 (Tenn. 2008)
- *Wait v. Travelers Indemnity Co. of Illinois*, 240 S.W.3d 220 (Tenn. 2007)
- *Blankenship v. American Ordnance Systems, LLS*, 164 S.W.3d 350, 353-54 (Tenn. 2005)
- *Woods v. Harry B. Woods Plumbing Co.*, 967 S.W.2d 768, 771-72 (Tenn. 1998)
- *Hudson v. Thurston Motor Lines, Inc.*, 583 S.W.2d 597, 602 (Tenn. 1979)
- *Braden v. Sears, Roebuck & Co.*, 833 S.W.2d 496, 499 (Tenn. 1992)
- *Excel Polymers, LLC v. Broyles*, 302 S.W.3d 268, 274 (Tenn. 2009)
- *Cloyd v. Hartco Flooring Co.*, 274 S.W.3d 638, 643 (Tenn. 2008)
- *Whirlpool Corp. v. Nakhoneinh*, 69 S.W.3d 164, 168 (Tenn. 2002)
- *Bell v. Kelso Oil Co.*, 597 S.W.2d 731, 734 (Tenn. 1980)
- *Lennon Co. v. Ridge*, 219 Tenn. 623, 636, 412 S.W.2d 638, 644 (Tenn. 1967)
- *Scott v. Shinn*, 171 Tenn. 478, 483, 105 S.W.2d 103, 105 (Tenn. 1937)
- *Tryon v. Saturn Corp.*, 254 S.W.3d 321, 327 (Tenn. 2008)
- *Wilhelm v. Krogers*, 235 S.W.3d 122, 126 (Tenn. 2007)
- *Anderson v. Westfield Group*, 259 S.W.3d 690, 695-96 (Tenn. 2008)
- *Glisson v. Mohon International, Inc./Campbell Ray*, 185 S.W.3d 348, 353-54 (Tenn. 2006)
- *Perrin v. Gaylord Entertainment Co.*, 120 S.W.3d 823, 826-28 (Tenn. 2003)