

TENNESSEE COURT OF WORKERS' COMPENSATION CLAIMS

Danny Floria v. Demcor, Inc. and FFVA Mutual Ins. Co.

Floria, 2026 TN WC 14 (Tennessee Court of Workers' Compensation Claims 2026) · No. 2025-20-3955 ·
Decided February 26, 2026

SUMMARY

The Tennessee Court of Workers’ Compensation Claims denied Danny Floria’s request for workers’ compensation benefits, finding that his injury resulted from horseplay and was not primarily caused by or incurred in the course and scope of his employment. The court found that Floria was unlikely to succeed on the merits and set a subsequent status hearing.

CASE DETAILS

COURT	Tennessee Court of Workers' Compensation Claims
WRITING FOR THE COURT	Brian K. Addington
JURISDICTION	Tennessee Court of Workers’ Compensation Claims
DECIDED	February 26, 2026
DOCKET	2025-20-3955
DISPOSITION	other
PROCEDURAL POSTURE	Employee sought an expedited order requiring his employer and its workers' compensation carrier to provide benefits. Following an expedited hearing, the court denied relief because the employee was not likely to prove at a merits hearing that his injury arose primarily out of and in the course and scope of employment.
STANDARD OF REVIEW	For expedited benefits, the employee must show a likelihood of proving at a hearing on the merits that he is entitled to benefits.
PRECEDENTIAL VALUE	Published Tennessee Court of Workers' Compensation Claims expedited order; subject to appeal to the Workers' Compensation Appeals Board.

TOPICS

- workers compensation
- employment law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Floria was likely to prove that his injury arose primarily out of and in the course and scope of his employment.
2. Whether the injury resulted from horseplay that lacked a rational or causal connection to Floria's employment.

HOLDINGS

1. Floria was not likely to prove at a hearing on the merits that he was entitled to benefits because his injury did not arise primarily out of and in the course and scope of his employment.
2. Horseplay with employees passing on the way to lunch cannot be regarded as arising primarily out of and in the course and scope of employment under the Tennessee Workers' Compensation Law.

KEY QUOTATIONS

"[A]n injury by accident to an employee is in the course of employment if it occurred while he was performing a duty he was employed to do; and it is an injury arising out of employment if caused by a hazard incident to such employment." (at 2)

"In other words, horseplay with employees that are going to pass you on the way to lunch cannot be regarded as arising primarily out of and in the course and scope of employment under the Workers' Compensation Law." (at 2)

FACTUAL BACKGROUND

Floria, a Demcor employee, was injured during lunch when he lunged in a joking manner toward another employee near a food truck on Demcor's premises and fell onto his arm. The court credited testimony that Floria initiated the contact and had engaged in horseplay, rather than being knocked down by other employees. Demcor paid Floria while he was off work and during two weeks of modified duty, but terminated him after he refused additional light-duty work.

PROCEDURAL HISTORY

Danny Floria sought expedited workers' compensation benefits after being injured while lunging toward another employee near a food truck on the employer's premises. The court held an expedited hearing on February 20, 2026, and denied the requested benefits. The matter was set for a status hearing on May 16, 2026.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The case was set for a status hearing on May 16, 2026, at 2:00 p.m. Eastern.

CASES CITED

- McCord v. Advantage Human Resourcing, 2015 TN Wrk. Comp. App. Bd. LEXIS 6, at *7-8 (Mar. 27, 2015)
- Scarbrough v. Right Way Recycling, LLC, 2015 TN Wrk. Comp. App. Bd. LEXIS 9, at *10 (Apr. 20, 2015)
- Brown v. Aetna Cas. & Sur. Co., No. 01-S01-9010-CH-00090, 1991 Tenn. LEXIS 157, at *5-6 (Tenn. Apr. 15, 1991)
- Jordan v. United Methodist Ministries, 740 S.W. 2d 411, 412 (Tenn. 1987)

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