

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

OPINION

PER CURIAM.

FILED Feb 26, 2026 10:39 AM(CT) TENNESSEE COURT OF WORKERS' COMPENSATION CLAIMS TENNESSEE BUREAU OF WORKERS' COMPENSATION IN THE COURT OF WORKERS' COMPENSATION CLAIMS AT GRAY DANNY FLORIA,) Docket No. 2025-20-3955 Employee,) v.) DEMCOR, INC.,) State File No. 2184-2025 Employer,) and) FFVA MUTUAL INS. CO.,) Judge Brian K. Addington Carrier.) EXPEDITED ORDER Danny Floria sought an order requiring Demcor to provide benefits.

Demcor argued that Mr. Floria's injury arose from horseplay and he was not entitled to any benefits. After an expedited hearing on February 20, 2026, the Court finds that Mr. Floria is not likely to succeed at a hearing on the merits in proving his entitlement to benefits. Claim History Mr. Floria operated a chain saw for Demcor and was not a supervisor.

On November 22, 2024, he stopped work for lunch at a food truck located on Demcor's premises. Before he could order food, he noticed several other employees hurrying to the food truck. He suddenly lunged in a joking manner with his left arm to either stop them or get in front of them. He struck a worker and fell, landing on his arm. Mr. Floria told Demcor's owner, Ismail Menguc, that a stampede of other workers ran over him, flipped him three times, and knocked him out.

Mr. Floria refused transportation to the hospital despite having a serious injury, so Mr. Menguc followed him. Upon arrival, Mr. Floria asked Mr. Menguc to leave and then used his own insurance. Mr. Menguc was angry with the co-worker who allegedly knocked Mr. Floria down and intended to terminate him.

However, Mr. Menguc believed Mr. Floria was known to stretch the truth, so he decided to review a video of the incident. According to him and his 1 supervisor, the video showed Mr. Floria lunging in front of the employee rather than the employee running over him.¹ Later that day, Mr. Floria returned to the office, and Mr. Menguc confronted him with his version of the accident.

Mr. Floria admitted to "horseplay," specifically using that word. However, Mr. Menguc did not terminate him but sent him home with pay until he recovered. He then returned to Demcor to work modified duty for two weeks, after which Mr. Floria refused additional light-duty. Mr. Menguc then terminated him. Mr. Floria first stated that Demcor did not pay him after the incident but then admitted on cross-examination that it paid him both while he was off work and when he was on light-duty.

He testified he has not worked since his termination because he cannot. Mr. Floria asserted Demcor wrongly denied his claim and denied engaging in horseplay. Demcor argued that Mr. Floria never intended to file a workers' compensation claim and only did so after his termination. Regardless, Demcor asserted that the injury did not arise primarily out of and in the course and scope of his employment.

Findings of Fact and Conclusions of Law Mr. Floria must show a likelihood of proving at a hearing on the merits that he is entitled to benefits. Tenn. Code Ann. § 50-6-239(d)(1) (2025); McCord v. Advantage Human Resourcing, 2015 TN Wrk. Comp. App. Bd. LEXIS 6, at *7-8, 9 (Mar. 27, 2015). Mr. Floria must prove his injury arose primarily out of and in the course and scope of his employment.

Id. § 50-6-102(12). Citing longstanding Tennessee law, the Appeals Board has explained: “[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.” Generally, an injury arises out of and is in the course and scope of employment if it has a rational connection to the work and occurs while the employee is engaged in the duties of his employment.

Scarborough v. Right Way Recycling, LLC, 2015 TN Wrk. Comp. App. Bd. LEXIS 9, at *10 (Apr. 20, 2015) (Internal citations omitted). Horseplay, on the other hand, is “a voluntary act... that [is] in no way connected with or incidental to the employment. Brown v. Aetna Cas. & Sur. Co., No. 01-S01-9010-CH-00090, 1991 Tenn. LEXIS 157, at *5-6 (Tenn. Apr. 15, 1991).

The Court finds Mr. Floria intended to participate in horseplay with the other employees. He did not supervise any employees or have the authority to interfere with an employee going to lunch. Both witnesses to the video testified that Mr. Floria initiated 1 The parties did not present any eyewitnesses to the incident or the video, which has since been deleted.

2 contact with the other employee and lunged or put his arm out to stop the other employee from passing him. Mr. Floria, however, disputed this, testifying that the employees who struck him were coming straight toward him, and he just put up his arms to protect himself. Mr. Floria also testified he flipped three times after being struck and was knocked unconscious.

This corresponds with his demonstrated tendency to exaggerate. In sum, the Court does not accredit his testimony. The Court finds Mr. Floria’s actions at the time of his injury were not causally connected to his employment because they did not further Demcor’s interests, nor did Demcor allow them. See Jordan v. United Methodist Ministries, 740 S.W. 2d 411, 412 (Tenn.

1987). Further, considering Scarborough, his injury did not arise out of the course and scope of his employment because his actions had no rational connection to his work at Demcor, nor was he engaged in the duties of his employment.

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. It is THEREFORE ORDERED AS FOLLOWS: 1.

The Court denies Mr. Floria’s request for benefits at this time. 2. This case is set for a status hearing on May 16, 2026, at 2:00 p.m. Eastern. The parties must dial 855-543-5044 to participate in the hearing. ENTERED February 26, 2026 Brian K. Addington _____ BRIAN K. ADDINGTON, JUDGE Court of Workers’ Compensation Claims 3 Exhibits: 1.

Rule 72 Declaration of Danny Floria, Sr. 2. Wage Statement 3. Affidavit of Ismail Menguc 4. Rule 72 Declaration of Aaron Goover 5. Deposition transcript of Danny Floria 6. Deposition transcript of Ismail

Menguc 7. Medical records of Dr. Nicholas Grimaldi 8. Medical records from Newport Medical Center 9. Employee's Responses to Employer's First Set of Interrogatories 10.

Medical records from Jefferson Memorial Hospital 11. Pay Stubs CERTIFICATE OF SERVICE I certify that a copy of this Order was sent on February 26, 2026. Name Email Service sent to: Adam Brock-Dagnan, X adam.brockdagnan@forthepeople.com Employee's Attorney Christopher.howell@forthepeople.com Garrett Franklyn, Matthew X gfranklyn@mijs.com Wells, Employer's Attorneys mgwells@mijs.com dbailey@mijs.com _____ PENNY SHRUM, COURT CLERK wc.courtclerk@tn.gov 4 Right to Appeal: If you disagree with the Court's Order, you may appeal to the Workers' Compensation Appeals Board.

To do so, you must: 1. Complete the enclosed form entitled "Notice of Appeal" and file it with the Clerk of the Court of Workers' Compensation Claims before the expiration of the deadline. ³/₄ If the order being appealed is "expedited" (also called "interlocutory"), or if the order does not dispose of the case in its entirety, the notice of appeal must be filed within seven (7) business days of the date the order was filed. ³/₄ If the order being appealed is a "Compensation Order," or if it resolves all issues in the case, the notice of appeal must be filed within thirty (30) calendar days of the date the Compensation Order was filed.

When filing the Notice of Appeal, you must serve a copy on the opposing party (or attorney, if represented). 2. You must pay, via check, money order, or credit card, a \$75.00 filing fee within ten calendar days after filing the Notice of Appeal. Payments can be made in-person at any Bureau office or by U.S. mail, hand-delivery, or other delivery service.

In the alternative, you may file an Affidavit of Indigency (form available on the Bureau's website or any Bureau office) seeking a waiver of the filing fee. You must file the fully-completed Affidavit of Indigency within ten calendar days of filing the Notice of Appeal. Failure to timely pay the filing fee or file the Affidavit of Indigency will result in dismissal of your appeal.

3. You are responsible for ensuring a complete record is presented on appeal. If no court reporter was present at the hearing, you may request from the Court Clerk the audio recording of the hearing for a \$25.00 fee. If you choose to submit a transcript as part of your appeal, which the Appeals Board has emphasized is important for a meaningful review of the case, a licensed court reporter must prepare the transcript, and you must file it with the Court Clerk.

The Court Clerk will prepare the record for submission to the Appeals Board, and you will receive notice once it has been submitted. For deadlines related to the filing of transcripts, statements of the evidence, and briefs on appeal, see the applicable rules on the Bureau's website at <https://www.tn.gov/wcappealsboard>. (Click the "Read Rules" button.) 4.

After the Workers' Compensation Judge approves the record and the Court Clerk transmits it to the Appeals Board, a docketing notice will be sent to the parties. If neither party timely files an appeal with the Appeals Board, the Court Order becomes enforceable. See Tenn. Code Ann. § 50-6-239(d)(3) (expedited/interlocutory orders) and Tenn. Code Ann. § 50-6-239(c)(7) (compensation orders).

For self-represented litigants: Help from an Ombudsman is available at 800-332-2667. NOTICE OF APPEAL Tennessee Bureau of Workers' Compensation www.tn.gov/workforce/injuries-at-work/ wc.courtclerk@tn.gov | 1-800-332-2667 Docket No.: _____ State File No.:

