

SUPREME COURT OF TENNESSEE

Dennis v. Erin Truckways, Ltd.

188 S.W.3d 578 (Tenn. 2006) · Decided April 17, 2006

SUMMARY

The Supreme Court of Tennessee held that a workers’ compensation settlement involving an unrepresented employee was properly set aside because statutory safeguards were not followed and the employee was not adequately informed of the scope of available benefits. The court also upheld the determination that Henry Dennis was permanently and totally disabled and addressed the calculation of his benefits. It further held that medically necessary wheelchair-accessible housing modifications could be required under the Workers’ Compensation Law, remanding for determination of the amount.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	E. Riley Anderson; William M. Barker; Adolpho A. Birch, Jr.; Janice M. Holder; Cornelia A. Clark
JURISDICTION	Tennessee
DECIDED	April 17, 2006
DISPOSITION	remanded
PROCEDURAL POSTURE	The employer appealed the Rutherford County Chancery Court's order setting aside an unrepresented employee's mediated workers' compensation settlement, awarding permanent total disability benefits, and determining the compensation rate. The Tennessee Supreme Court accepted review before consideration by the Special Workers' Compensation Appeals Panel.
STANDARD OF REVIEW	The court reviewed the permanent-total-disability determination under whether the evidence preponderated otherwise. It reviewed the settlement set-aside under the trial court's inherent authority and discretion, and affirmed factual findings when the evidence did not preponderate against them.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion; precedential
PARTIES	Erin Truckways, Ltd., a/k/a Erin Truckways, Ltd., Inc., a/k/a Digby Truck Lines, Georgia Insurers Insolvency Pool v. Henry Dennis

TOPICS

workers compensation

remedies

employment law

PRACTICE AREAS

workers compensation

employment law

insurance

remedies

QUESTIONS PRESENTED

1. Whether the mediated workers' compensation settlement was invalid because statutory safeguards for an unrepresented employee were not satisfied.
2. Whether Dennis's petition to set aside the settlement was untimely.
3. Whether the trial court properly set aside the settlement without relying on Tennessee Rule of Civil Procedure 60.02.
4. Whether the evidence supported a finding that Dennis was permanently and totally disabled.
5. Whether the trial court properly calculated Dennis's weekly compensation rate at \$387.39.
6. Whether Tennessee's Workers' Compensation Law requires the employer to pay for wheelchair-accessible housing or medically necessary modifications to make housing wheelchair-accessible.

HOLDINGS

1. The settlement was properly set aside because the statutory safeguards in Tennessee Code Annotated section 50-6-206 were not satisfied: the settlement was not approved by a court or pursuant to an agreement for department approval, the employee was not shown to have received substantially the benefits provided by the Workers' Compensation Law, and he was not thoroughly informed of the scope of available benefits, his rights, and the procedures necessary to protect those rights.
2. The thirty-day limitation in Tennessee Code Annotated section 50-6-206(a)(1) did not apply because the settlement was not approved by a court.
3. The evidence supported the determination that Dennis was permanently and totally vocationally disabled.
4. The trial court properly set Dennis's compensation rate at \$387.39 per week.
5. The Workers' Compensation Law does not require an employer to pay the entire cost of wheelchair-accessible housing, but it does require the employer to pay for medically necessary modifications to make existing housing wheelchair-accessible.

KEY QUOTATIONS

"In our view, the statute requires a detailed explanation of the full range of benefits available to each employee, including but not limited to an explanation of the difference between permanent partial disability benefits and permanent total disability benefits, the amount and duration of compensation available under each type of benefit, and the eligibility requirements for each type of benefit." (188 S.W.3d at 588)

“Unlike the entire cost of housing itself, in our view, modifications such as ramps, grab bars, widened doorways, and accessible cabinets and appliances are within the statute's definition of "apparatus" when such modifications are found to be medically necessary.” (188 S.W.3d at 592)

FACTUAL BACKGROUND

Dennis was rendered paraplegic in a November 7, 1997, work-related truck accident. He had a ninth-grade education, minimal vocational training, and work experience limited to truck driving and manual labor. While unrepresented at a benefit review conference, he accepted a settlement based on 400 weeks of permanent partial disability benefits, despite evidence that he was permanently and totally disabled and that wheelchair-accessible housing was medically necessary. His mother's home could not be modified to accommodate his wheelchair, and he required assistance with bathing, toileting, bowel care, and other daily activities.

PROCEDURAL HISTORY

Dennis was injured in a work-related truck accident and entered into a mediated settlement for 400 weeks of permanent partial disability benefits while unrepresented by counsel. The Rutherford County Chancery Court set aside the settlement because statutory safeguards for unrepresented employees were not followed, awarded permanent total disability benefits at \$387.39 per week, and found that wheelchair-accessible housing was medically necessary but that the statute did not cover the housing cost. The employer appealed, and the Tennessee Supreme Court affirmed the settlement set-aside, disability determination, and compensation rate, while remanding for factual findings concerning medically necessary housing modifications and alternatives.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court was directed to act as a master, hold a hearing, and determine within ninety days: (1) the availability and cost of wheelchair-accessible housing for Dennis alone; and (2) the availability and cost of non-accessible housing capable of modification and the cost of medically necessary modifications to make that housing wheelchair-accessible. The trial court was to make findings and report them to the Tennessee Supreme Court.

CASES CITED

- Lindsey v. Hunt, 215 Tenn. 406, 384 S.W.2d 441 (1964)
- Betts v. Tom Wade Gin, 810 S.W.2d 140, 144 (Tenn. 1991)
- Jones v. Hartford Accident & Indem. Co., 811 S.W.2d 516, 522 (Tenn. 1991)
- Long v. Mid-Tennessee Ford Truck Sales, Inc., 160 S.W.3d 504, 510 (Tenn. 2005)
- Wilhelm v. Kern's, Inc., 713 S.W.2d 67 (Tenn. 1986)
- Squeo v. Comfort Control Corp., 99 N.J. 588, 494 A.2d 313, 322 (1985)
- Van Hooser v. Mueller Co., 741 S.W.2d 329, 330 (Tenn. 1987)

