TENNESSEE COURT OF WORKERS' COMPENSATION CLAIMS

Barry Braboy v. US Foods, Inc.

2026 TN WC 23 (Tenn. Ct. Workers' Comp. Claims 2026) · No. 2023-07-5758 · Decided March 17, 2026

SUMMARY

The Tennessee Court of Workers’ Compensation Claims held that Barry Braboy sustained a compensable back injury arising from a March 2, 2023 workplace incident while working for US Foods, Inc. The court found that he met the statutory requirements for extraordinary relief and awarded 275 weeks of benefits totaling $306,190.50, along with future medical expenses and discretionary costs. The court also referred the employer and carrier to the Compliance Program for possible penalties based on the failure to offer a panel of physicians.

CASE DETAILS

COURT	Tennessee Court of Workers' Compensation Claims
WRITING FOR THE COURT	Amber E. Luttrell
JURISDICTION	Tennessee Court of Workers’ Compensation Claims
DECIDED	March 17, 2026
DOCKET	2023-07-5758
DISPOSITION	other
PROCEDURAL POSTURE	Following a compensation hearing, the Court of Workers' Compensation Claims determined whether the employee sustained a compensable back injury and whether he was entitled to extraordinary benefits under Tennessee Code Annotated section 50-6-242 or only increased benefits under section 50-6-207.
STANDARD OF REVIEW	The employee bore the burden to prove entitlement to benefits by a preponderance of the evidence. Causation had to be established to a reasonable degree of medical certainty. Eligibility for extraordinary relief required clear and convincing proof that limiting recovery to increased benefits would be inequitable, and the employer then bore the burden of proving by contrary clear and convincing evidence that the employee could perform his pre-injury occupation.
PRECEDENTIAL VALUE	published
PARTIES	Barry Braboy v. US Foods, Inc., American Zurich Insurance Company

TOPICS

workers compensation · damages · remedies

PRACTICE AREAS

workers compensation · employment law · remedies

QUESTIONS PRESENTED

1. Whether Braboy sustained a compensable back injury arising primarily out of the March 2, 2023 work incident.
2. Whether Braboy established a 13 percent permanent impairment resulting from the work injury.
3. Whether Braboy satisfied the statutory requirements for extraordinary workers' compensation benefits under Tennessee Code Annotated section 50-6-242 rather than being limited to increased benefits under section 50-6-207.
4. Whether Braboy was entitled to future medical expenses and discretionary costs.
5. Whether the employer and carrier should be referred for investigation of possible penalties for failing to provide a panel of physicians.

HOLDINGS

1. Braboy sustained a compensable back injury that primarily arose out of the March 2, 2023 work incident.
2. Braboy retained a 13 percent permanent impairment from the compensable injury.
3. Braboy satisfied the requirements for extraordinary relief and was entitled to benefits not exceeding 275 weeks, rather than being limited to increased benefits under section 50-6-207.
4. US Foods was ordered to pay extraordinary benefits of $306,190.50, representing 275 weeks at $1,113.42 per week, together with a 20 percent attorney fee, future medical expenses, discretionary costs of $2,213.17, and the $150 filing fee.

KEY QUOTATIONS

> *"For these reasons, the Court finds this is an "extraordinary case" under 50-6-242(a)(2) and finds by clear and convincing evidence that limiting Mr. Braboy's recovery to the benefits provided by 50-6-207(3)(B) would be inequitable in light of the totality of the circumstances."* (at 7)

> *"Because Mr. Braboy satisfied the above requirements, US Foods must prove by "contrary clear and convincing evidence" that he is "capable of performing his pre-injury occupation.""* (at 8)

FACTUAL BACKGROUND

Barry Braboy, a truck driver, felt immediate and severe back pain on March 2, 2023, while moving a pallet after positioning a trailer at a loading dock. His treating neurosurgeon diagnosed a new L2-3 disc herniation causing radiculopathy, performed lumbar fusion surgery, assigned a 13 percent impairment rating, and imposed permanent restrictions preventing Braboy from returning to truck-driving work. Braboy had prior back treatment in 2007 and 2018, but the court credited evidence that he had recovered, returned to unrestricted work, and had no continuing back problems before the 2023 incident. US Foods did not accommodate his restrictions, Braboy had not found suitable work, and he was receiving Social Security disability benefits.

PROCEDURAL HISTORY

Braboy filed a workers' compensation claim arising from a March 2, 2023 back injury sustained while working as a truck driver for US Foods. The Court held a compensation hearing, considered competing medical causation opinions and lay testimony, found the injury compensable, awarded extraordinary benefits and future medical expenses, awarded discretionary costs, and referred the employer and carrier for investigation of possible penalties for failure to provide a physician panel. The order advised that it could be appealed to the Workers' Compensation Appeals Board.

DISPOSITION

other

CASES CITED

- Kelly v. Kelly, 445 S.W.3d 685, 694-95 (Tenn. 2014)
- Orman v. Williams Sonoma, Inc., 803 S.W.2d 672, 676 (Tenn. 1991)
- Batey v. Deliver This, Inc., 568 S.W.3d 91, 98 (Tenn. 2019)
- Garassino v. W. Express, Inc., No. M2016-02431-SC-R3-WC, 2018 Tenn. LEXIS 60, at *8-9 (Tenn. Workers' Comp. Panel Feb. 8, 2018)
