

SUPREME COURT OF ALABAMA

Ex parte Nacola Ruggs

10 So. 3d 7 (Ala. 2008) · No. 1061379 · Decided August 22, 2008

SUMMARY

The Supreme Court of Alabama held that a claim for the double-compensation penalty under Ala. Code § 25-5-8(e) is independent of an employee's underlying workers' compensation claim. Accordingly, a motion seeking that penalty is not subject to the time limitations applicable to motions under Alabama Rule of Civil Procedure 59. The court reversed the Court of Civil Appeals and remanded the matter.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Cobb, Chief Justice; See, Justice; Lyons, Justice; Woodall, Justice; Stuart, Justice; Smith, Justice; Bolin, Justice; Parker, Justice; Murdock, Justice
JURISDICTION	Alabama
DECIDED	August 22, 2008
DOCKET	1061379
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Ruggs petitioned for a writ of certiorari to review the Court of Civil Appeals' reversal of a trial-court order awarding her double workers' compensation under Alabama Code § 25-5-8(e).
STANDARD OF REVIEW	De novo review of the legal characterization of Ruggs's motion and the interpretation of § 25-5-8(e) and Rule 59.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; binding precedent in Alabama.
PARTIES	Nacola Ruggs v. MasterBrand Cabinets, Inc., f/k/a NHB Industries, Inc.

TOPICS

- workers compensation
- statutory interpretation
- appellate procedure
- civil procedure
- remedies

PRACTICE AREAS

workers compensation

employment law

civil procedure

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Alabama Code § 25-5-8(e)'s double-compensation penalty creates a claim or cause of action independent of the employee's claim for workers' compensation benefits.
2. Whether a motion seeking enforcement of a workers' compensation judgment and double compensation under § 25-5-8(e) is an untimely motion under Rule 59(e), Ala. R. Civ. P.

HOLDINGS

1. The double-compensation penalty provided by § 25-5-8(e) creates a claim or cause of action independent of the employee's underlying claim for workers' compensation benefits.
2. A motion seeking the § 25-5-8(e) double-compensation penalty is not a Rule 59(e) motion and is not subject to Rule 59's time limitations.

KEY QUOTATIONS

“Section 25-5-8(e) provides four distinct, separate penalties or remedies for failure to secure the payment of compensation for an employee's injury or death” (10 So. 3d at 12)

“we decline to confine a proceeding seeking a penalty under § 25-5-8(e) within the strictures of motion practice under Rule 59.” (10 So. 3d at 13)

FACTUAL BACKGROUND

Nacola Ruggs sustained an on-the-job injury while employed by MasterBrand Cabinets. The trial court ultimately found her 100% permanently and totally disabled, and the Court of Civil Appeals affirmed that judgment. After MasterBrand failed to pay the full judgment and failed to establish that it was insured or self-insured when Ruggs was injured, Ruggs sought enforcement of the judgment and the double-compensation penalty under § 25-5-8(e).

PROCEDURAL HISTORY

Ruggs obtained a workers' compensation judgment after the trial court found her permanently and totally disabled. After the judgment was affirmed and MasterBrand failed to pay the full amount, Ruggs filed a motion to enforce the judgment, for a rule nisi, and for double compensation under § 25-5-8(e). The trial court awarded double compensation, but the Court of Civil Appeals reversed, holding that Ruggs's motion was an untimely Rule 59(e) motion. The Supreme Court of Alabama granted certiorari review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the Court of Civil Appeals for proceedings consistent with the Supreme Court's opinion.

CASES CITED

- MasterBrand Cabinets, Inc. v. Ruggs, 891 So. 2d 869 (Ala. Civ. App. 2004)
- MasterBrand Cabinets v. Ruggs, 945 So. 2d 496 (Ala. Civ. App. 2005) (table)
- MasterBrand Cabinets, Inc. v. Ruggs, 10 So. 3d 1 (Ala. Civ. App. 2007)
- CIGNA Ins. Co. v. Ward, 658 So. 2d 504 (Ala. Civ. App. 1994)
- Highfield's Alignment Serv. v. Scott, 624 So. 2d 630 (Ala. Civ. App. 1993)
- Hester v. Ridings, 388 So. 2d 1218 (Ala. Civ. App. 1980)
- Christopher v. Hunter, 674 So. 2d 564 (Ala. Civ. App. 1995)
- Hastings v. Hancock, 576 So. 2d 666 (Ala. Civ. App. 1991)
- Rush v. Heflin, 411 So. 2d 1295 (Ala. Civ. App. 1982)
- Harris v. Vaughan, 373 So. 2d 1111 (Ala. Civ. App. 1979)
- Alabama By-Products Co. v. Landgraff, 32 Ala. App. 343, 27 So. 2d 209 (1946)
- Ward & Gow v. Krinsky, 259 U.S. 503, 42 S. Ct. 529, 66 L. Ed. 1033 (1922)
- Mobile Infirmary Med. Ctr. v. Hodgen, 884 So. 2d 801 (Ala. 2004)
- Ex parte Berryhill, 801 So. 2d 7 (Ala. 2001)
- IMED Corp. v. Systems Eng'g Assocs. Corp., 602 So. 2d 344 (Ala. 1992)
- Ex parte Weaver, 871 So. 2d 820 (Ala. 2003)
- Ex parte Beaver Valley Corp., 477 So. 2d 408 (Ala. 1985)
- Ex parte Master Boat Builders, Inc., 779 So. 2d 192 (Ala. 2000)
- Ex parte Jackson, 614 So. 2d 405 (Ala. 1993)
- Trott v. Brinks, Inc., 972 So. 2d 81 (Ala. 2007)
- Ex parte Steelcase, Inc., 893 So. 2d 429 (Ala. 2004)
- Etherton v. City of Homewood, 700 So. 2d 1374 (Ala. 1997)
- Roberts v. NASCO Equip. Co., 986 So. 2d 379 (Ala. 2007)
- Morrow v. State, 928 So. 2d 315 (Ala. Crim. App. 2004)
- Huff v. State, 596 So. 2d 16 (Ala. Crim. App. 1991)