

SUPREME COURT OF ALABAMA

General Electric Co. v. Baggett

1 So. 3d 1021 (Ala. 2008) · No. 1070112 · Decided July 25, 2008

SUMMARY

The Alabama Supreme Court quashed a writ in a workers' compensation dispute involving whether pain from an injured scheduled member warranted compensation beyond the statutory schedule. The special concurrence discussed the governing standard under Ala. Code § 25-5-57, emphasizing that pain must be sufficiently frequent or severe to impair the body as a whole beyond the disability contemplated by the schedule, even when the employee reasonably avoids using the injured member.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Stuart, Justice; Cobb, Chief Justice; Lyons, Justice; Woodall, Justice; See, Justice; Smith, Justice; Bolin, Justice; Parker, Justice; Murdock, Justice
JURISDICTION	Alabama
DECIDED	July 25, 2008
DOCKET	1070112
DISPOSITION	quashed
PROCEDURAL POSTURE	General Electric Company petitioned the Supreme Court of Alabama for a writ of certiorari to review a decision of the Alabama Court of Civil Appeals in a workers' compensation dispute.
STANDARD OF REVIEW	Certiorari review under Rule 39(f), Ala. R. App. P.; the special concurrence stated that the petition showed no probability of merit and that the record did not contain substantial evidence supporting compensation beyond the statutory schedule.
PRECEDENTIAL VALUE	Published; the per curiam disposition contains no opinion, and the detailed analysis is in a special concurrence.
PARTIES	General Electric Company v. Mary Ann Baggett

TOPICS

- workers compensation
- appellate procedure
- statutory interpretation
- remedies
- standard of review

PRACTICE AREAS

workers compensation

employment law

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Baggett's knee injury was compensable under Alabama's statutory schedule for injuries to scheduled members or instead as a disability to the body as a whole.
2. Whether pain isolated to a scheduled member may justify compensation outside the statutory schedule when the pain has a sufficiently severe and debilitating effect on the body as a whole.
3. Whether the record contained substantial evidence that Baggett's pain satisfied the standard for compensation beyond the schedule.

HOLDINGS

1. The court's disposition left undisturbed the Court of Civil Appeals' conclusion that an injury to a scheduled member should first be evaluated under the statutory schedule; only if the injury is not compensable under the schedule should the court consider disability to the body as a whole or total disability.
2. The special concurrence stated that pain from a scheduled-member injury may support compensation outside the schedule only when, even while the employee reasonably avoids using the scheduled member, the pain is sufficiently frequent or continuous and severe that it interferes with the efficiency of other parts of the body and has a debilitating effect greater than that contemplated by the schedule.
3. The writ of certiorari was quashed because the petition did not attempt to establish, and the record did not appear to support, a showing that Baggett experienced qualifying debilitating pain warranting compensation outside the statutory schedule.

KEY QUOTATIONS

“Given the fact that § 25-5-57(a)(3)d. equates the loss of use of a scheduled member with the loss of that member, the showing that must be made is that the employee suffers pain of sufficient frequency or continuity, and of sufficient severity, that it interferes with the efficiency of other parts of the body and has a debilitating effect greater than that contemplated by the schedule” (at 1025)

FACTUAL BACKGROUND

Charles Baggett sustained an injury to his left knee, and the record indicated that he experienced pain during activities such as squatting and lifting. During a functional-capacities evaluation, he rated his knee pain at approximately seven on a ten-point scale. The record did not show pain of sufficient frequency, continuity, or severity to produce a debilitating effect on the body as a whole beyond the disability contemplated by Alabama's scheduled-member workers' compensation provisions.

PROCEDURAL HISTORY

The Alabama Court of Civil Appeals issued an opinion addressing whether Charles Baggett's knee injury and associated pain were compensable under the statutory schedule or as a disability to the body as a whole. General

Electric sought certiorari review. The Supreme Court quashed the writ; the per curiam disposition contained no opinion, while Justice Murdock concurred specially and explained his reasons.

DISPOSITION

quashed

CASES CITED

- General Electric Co. v. Baggett, 1 So. 3d 1011, 1016-20 (Ala. Civ. App. 2007)
- Stone & Webster Constr., Inc. v. Lanier, 914 So. 2d 869, 876-78 (Ala. Civ. App. 2005)
- Ex parte Drummond Co., 837 So. 2d 831, 834-36 & nn. 5, 6, 8, 11 (Ala. 2002)
- Shoney's, Inc. v. Rigsby, 971 So. 2d 722, 725-27 & nn. 2-3 (Ala. Civ. App. 2007)
- Masterbrand Cabinets, Inc. v. Johnson, 984 So. 2d 1136, 1139, 1144-45 & n. 3 (Ala. Civ. App. 2005) (plurality opinion)
- Masterbrand Cabinets, Inc. v. Ruggs, 891 So. 2d 869 (Ala. Civ. App. 2004)
- Bell v. Driskill, 282 Ala. 640, 213 So. 2d 806 (1968)