

SUPREME COURT OF OKLAHOMA

Redricks v. Industrial Vehicles International, Inc.

45 P.3d 416 (Okla. 2002) · Decided February 26, 2002

SUMMARY

The Oklahoma Supreme Court held that an employer violated 85 O.S. Supp. 2000, § 5(B) by terminating an employee during a period of temporary total disability based solely on his failure to call in daily after providing a medical certificate stating that he should remain off work indefinitely. The court concluded that the employer's unwritten daily-call requirement was unduly burdensome under the statute's public policy and reversed and remanded for a determination of damages.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Winchester, J.; All justices concur
JURISDICTION	Oklahoma
DECIDED	February 26, 2002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	After a bench trial, the district court entered judgment for the employer in an employee's statutory wrongful-discharge action. The Oklahoma Court of Civil Appeals affirmed, and the Oklahoma Supreme Court granted certiorari.
STANDARD OF REVIEW	The Supreme Court reviewed the legal application of the statutory public-policy prohibition to the undisputed circumstances and reversed the trial court's judgment; the opinion also refers to the trial court's weighing of the evidence.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; binding precedent in Oklahoma.
PARTIES	Arlando Redricks v. Industrial Vehicles International, Inc.

TOPICS

workers compensation

wrongful termination

employment at-will

statutory interpretation

appellate procedure

PRACTICE AREAS

Employment law

Workers compensation

Wrongful termination

Statutory interpretation

Appellate procedure

QUESTIONS PRESENTED

1. Whether an employer violates 85 O.S. Supp. 2000, § 5(B), by terminating an employee during a period of temporary total disability for failing to make daily absence calls after the employee has provided a medical certificate stating that the employee must remain off work indefinitely.

HOLDINGS

1. An employer violates § 5(B) when it discharges an employee during a period of temporary total disability solely because of absence from work, including where the employee fails to make daily calls after the employer has received a medical certificate establishing that the employee will remain off work indefinitely.

KEY QUOTATIONS

“No person, firm, partnership, corporation, or other entity may discharge any employee during a period of temporary total disability solely on the basis of absence from work.” (45 P.3d at 418)

“Requiring the employee to call every day after being given such notice violates the rights protected by the statute.” (45 P.3d at 418)

FACTUAL BACKGROUND

Redricks suffered a work-related injury on April 6, 1998, returned to work briefly, and then remained absent because of the injury. He called his employer daily before 9:00 a.m. through April 23, but after giving the employer a physician's Certificate of Disability stating that he should remain off work indefinitely, he stopped making daily calls. The employer terminated him on May 27, 1998, for failing to call in, while he was receiving temporary total disability benefits.

PROCEDURAL HISTORY

Redricks sued Industrial Vehicles International, Inc., alleging that he was discharged in violation of 85 O.S. Supp. 2000, § 5(B), while temporarily totally disabled because of a work-related injury. Following a bench trial, the district court found that he was terminated for failing to call in and that the reason was neither retaliatory nor pretextual. The Court of Civil Appeals affirmed. The Oklahoma Supreme Court granted certiorari, vacated the Court of Civil Appeals' opinion, reversed the district court's judgment, and remanded for a determination of damages.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Determine damages pursuant to 85 O.S. 1991, § 6.

CASES CITED

- Burk v. K-Mart Corp., 1989 OK 22, 770 P.2d 24
- Hopkins v. Seagate, 30 F.3d 104 (10th Cir. 1994)

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