

TENNESSEE WORKERS' COMPENSATION APPEALS BOARD

Bobur Isoyev v. Nippon Paint Automotive Americas, Inc., et al.

2026 TN WC App. 7 · No. 2024-10-4374 · Decided February 11, 2026

SUMMARY

The Tennessee Workers’ Compensation Appeals Board affirmed and remanded an interlocutory order requiring Nippon Paint Automotive Americas, Inc. to provide a panel of spine specialists to Bobur Isoyev. The Board held that, at the interlocutory stage, Isoyev was likely to prove that he provided timely notice of his gradually occurring back injury because the record did not show that he was unable to perform his normal work activities before filing his petition for benefit determination. The Board also declined to reconsider the trial court’s assessment of the medical evidence because the employer did not raise that issue on appeal.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Tennessee Workers' Compensation Appeals Board                                                                                                                                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Meredith B. Weaver; Timothy W. Conner; Pele I. Godkin                                                                                                                                                                                                                                                                                                                                                                                      |
| JURISDICTION          | Tennessee Workers’ Compensation Appeals Board                                                                                                                                                                                                                                                                                                                                                                                              |
| DECIDED               | February 11, 2026                                                                                                                                                                                                                                                                                                                                                                                                                          |
| DOCKET                | 2024-10-4374                                                                                                                                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Interlocutory appeal by the employer from an expedited workers' compensation order determining that the employee was likely to prevail at trial on timely notice of a gradual work injury and compelling the employer to provide a panel of spine specialists.                                                                                                                                                                             |
| STANDARD OF REVIEW    | Factual findings are presumed correct unless the preponderance of the evidence is otherwise, with considerable deference given to trial-court credibility determinations based on live testimony. For deposition testimony, the appellate panel may draw its own conclusions regarding the weight and credibility of expert testimony. Statutory interpretation and application are reviewed de novo without a presumption of correctness. |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| PARTIES               | Nippon Paint Automotive Americas, Inc. v. Bobur Isoyev                                                                                                                                                                                                                                                                                                                                                                                     |

## TOPICS

workers compensation

interlocutory appeal

appellate procedure

statutory interpretation

standard of review

## PRACTICE AREAS

workers compensation

employment law

appellate procedure

## QUESTIONS PRESENTED

1. Whether the employee was likely to prevail at trial in proving that he provided timely notice of his gradual work-related back injury under Tennessee Code Annotated section 50-6-201(b)(2).
2. Whether the employee's temporary self-directed modification of work duties triggered the fifteen-day notice period by rendering him unable to continue performing his normal work activities.

## HOLDINGS

1. The employee was likely to prevail at trial in establishing timely notice because the record did not show that he was unable to continue performing his normal work activities before filing his petition for benefit determination.
2. Isoyev's testimony that he performed clerical work from home on two painful days did not establish, at the interlocutory stage, that he was rendered unable to continue performing his normal work activities or that the notice period was triggered.

## KEY QUOTATIONS

*“In other words, “at what point in time [was he] unable to engage in or . . . restricted from normal work activities due to a work-related condition.”” (5)*

*“Accordingly, the preponderance of the evidence supports the trial court’s determination that Employee is likely to prevail at trial in showing he gave timely notice of his alleged gradual injury.” (8)*

## FACTUAL BACKGROUND

Isoyev began experiencing low-back pain after being reassigned to maintenance-engineering duties involving manual labor and heavy lifting. He sought medical treatment, underwent an MRI shortly after his employment was terminated, and filed a petition for benefit determination fifteen days after the MRI referral. His treating neurosurgeon attributed more than fifty percent of the injury and need for treatment to his work activities, while the employer's records-review physician opined that the disc herniations were likely degenerative. The record contained no physician-imposed work restrictions before termination, although Isoyev testified that he performed clerical work from home on two days because of pain.

## PROCEDURAL HISTORY

Isoyev filed a petition for benefit determination alleging a gradual back injury caused by work activities. After an expedited hearing, the Court of Workers' Compensation Claims concluded that he was likely to establish

timely notice and ordered Nippon Paint to provide a panel of three spine specialists. The employer appealed the notice determination; the Appeals Board affirmed and remanded.

#### DISPOSITION

affirmed

#### REMAND INSTRUCTIONS

The case is remanded after affirmance of the order compelling Nippon Paint to provide a panel of three spine specialists. Costs on appeal are taxed to the employer.

#### CASES CITED

- *Madden v. Holland Group of Tenn., Inc.*, 277 S.W.3d 896, 898 (Tenn. 2009)
- *Edwards v. Peoplelease, LLC*, No. W2024-01034-SC-R3-WC, 2025 Tenn. LEXIS 514, at \*18 (Tenn. Dec. 22, 2025)
- *Mansell v. Bridgestone Firestone N. Am. Tire, LLC*, 417 S.W.3d 393, 399 (Tenn. 2013)
- *Moore & Seiferth v. Ingles Markets, Inc.*, No. 2015-02-0193, 2015 TN Wrk. Comp. App. Bd. LEXIS 54, at \*4 (Tenn. Workers' Comp. App. Bd. Nov. 4, 2015)
- *Ernstes v. Printpack, Inc.*, No. 2020-07-0617, 2023 TN Wrk. Comp. App. Bd. LEXIS 25 (Tenn. Workers' Comp. App. Bd. June 6, 2023), *aff'd*, No. W2023-00863-SC-R3-W3, 2024 Tenn. LEXIS 1 (Tenn. Workers' Comp. Panel Jan. 2, 2024)
- *White v. Federal Express Corp.*, No. 2021-08-1065, 2025 TN Wrk. Comp. App. Bd. LEXIS 8, at \*19 (Tenn. Workers' Comp. App. Bd. Mar. 6, 2025)
- *Nickerson v. Knox County Government*, No. 2019-02-0559, 2020 TN Wrk. Comp. App. Bd. LEXIS 52, at \*12-13 (Tenn. Workers' Comp. App. Bd. Sept. 2, 2020), *aff'd*, No. E2020-01286-SC-R3-WC, 2021 Tenn. LEXIS 124 (Tenn. Workers' Comp. Panel June 8, 2021)
- *Building Materials Corp. v. Britt*, 211 S.W.3d 706, 711-12 (Tenn. 2007)
- *Lawson v. Lear Seating Corp.*, 944 S.W.2d 340, 341-42 (Tenn. 1997)
- *Hix v. TRW, Inc.*, No. M2007-02822-WC-R3-WC, 2009 Tenn. LEXIS 285, at \*17-19 (Tenn. Workers' Comp. Panel June 12, 2009)
- *Buckingham v. Fidelity & Guaranty Insurance Co.*, No. M2006-01587-WC-R3-WC, 2007 Tenn. LEXIS 910, at \*13 (Tenn. Workers' Comp. Panel Oct. 25, 2007)
- *Barnett v. Earthworks Unlimited, Inc.*, 197 S.W.3d 716, 721-22 (Tenn. 2006)

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