

Idiopathic Injuries Under the Tennessee Workers' Comp Act

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What are they? Are They Compensable?

Introduction

An idiopathic injury is one that has an unexplained origin or cause. See *Shearon v. Seaman*, 198 S.W.3d 209, 214 (Tenn. Ct. App. 2006). An alternative definition is an injury "caused by a purely personal condition" as opposed to an employment condition. See 20 Tenn. Workers' Comp. Prac. & Proc. § 10:7 (2009-2010). As a general rule, idiopathic injuries are not compensable under the Tennessee Workers' Compensation Act. The determinative issue in such cases is often whether the injury arose out of employment. The following discussion provides an overview of Tennessee caselaw determining whether an injury was idiopathic and whether it was compensable.

I. Elements of a Workers' Compensation Claim

Personal injuries are compensable under Tennessee's Workers' Compensation Act, when: (1) the injury arose out of the employment, and (2) the injury occurred in the course of employment. Tenn. Code Ann. § 50-6-103(a). The phrase "in the course of" refers to the time, place, and circumstances of the injury, while "arising out of" refers to its cause or origin. *Wilhelm v. Krogers*, 235 S.W.3d 122, 127 (Tenn.

2007). "[These] phrases...are not synonymous but rather embody distinct concepts." *Knox v. Batson*, 399 S.W.2d 765, 770, 217 Tenn. 620, 630 (Tenn. 1966). "

Generally, an injury arises out of and in the course of employment if it has a rational casual connection to the work and occurs while the employee is engaged in the duties of his employment." *Wilhelm*, 235 S.W.3d at 127.

A. Occurring in the Course of Employment

"An injury by accident to an employee is 'in the course of' employment if it occurred while [the employee] was performing a duty he was employed to do." *Wilhelm*, 235 S.W.3d at 127. Generally, "an employee is not acting within the course of employment when the employee is going to or coming from work unless the injury occurs on the employer's premises." *Phillips v. A & H Construction Co., Inc.*, 134 S.W.3d 145, 152 (Tenn. 2004). While an employee may suffer an accidental injury in the course of employment "it does not necessarily follow that the injury arose out of his employment." *Knox*, 399 S.W.2d at 770. While one may exist without the other, the absence of either element means that an employee cannot recover benefits for injuries sustained

while in the workplace. Id.

B. Arising out of Employment

An accidental injury arises out of employment "if caused by a hazard incident to such employment." Wilhelm, 235 S.W.3d at 127. Whether an injury arises out of employment requires consideration of the origin of the incident and causation. Shearon, 198 S.W.3d at 214. In determining whether an injury arises out of employment, Tennessee courts look to whether the injury arose "from an exposure which is no more or different from that of any other member of the public similarly situated in place and time." Sudduth v. Williams, 517 S.W.2d 520, 523 (Tenn. 1974). If the answer is "yes," then the injury will not be compensable. See id. "[T]he mere presence of an employee at the place of injury because of his employment will not alone result in the injury being considered as arising out of the employment." Id.

II. "Special Hazards" of Employment

An idiopathic fall is one that is "unexplained in its origin." Shearon, 198 S.W.3d at 214. When an employee is injured as a result of an idiopathic fall, "worker's compensation benefits are normally awarded only where some condition of the employment presents a peculiar or additional hazard." Id. at 215. In other words "benefits have generally not been allowed where the cause of the fall has been found to be due to some diseased or other idiopathic condition personal to the employee, absent some 'special hazard' of the employment." Sudduth, 517 S.W.2d at 523. When an employee appears to have suffered an idiopathic injury in the workplace, he must prove his injuries arose out of his employment by showing "that a special hazard incident to employment caused or exacerbated his injuries." Wilhelm, 235 S.W.3d at 128. Specifically, "an employee may not recover for an injury occurring while walking unless there is an employment hazard, such as a puddle of water or a step, in addition to the injured employee's ambulation." Id. at 129. Put simply, "an employee must walk a short distance to and from his work station every day...[and] [s]ome hazard, such as the presence of a liquid, hole, obstacle, or a vehicle, must exist before an award...is permissible." Id. When an employee falls to the level ground or bare floor, on the other hand, Tennessee courts find this to be an idiopathic fall and, thus, deny recovery. Id. at 128.

III. Cases

A. Wilhelm v. Krogers

In Wilhelm, the Supreme Court of Tennessee found that plaintiff's back and hip injuries did not arise out of or in the course of his employment when he worked for the defendant/grocery store by stepping up and down and lifting heavy cases. Wilhelm, 235 S.W.2d. at 130. While on the job, the plaintiff ruptured his right Achilles tendon which caused him to develop problems in his lower back and left hip due to an accompanying limp. Id. at 124. In Wilhelm, the trial court found that the plaintiff's hip and back injuries should be compensated because walking six-hundred yards daily to and from his work station qualified as an employment hazard that caused or exacerbated the injuries. Id. at 127. The Supreme Court disagreed and found that these injuries were idiopathic and, therefore, did not arise out of the course of the

plaintiff's employment. *Id.* at 128.

For one, the court noted that "the injury would have eventually occurred, whether the plaintiff was walking at work or not." *Id.* at 129. Also, the court supported its decision by noting that "there was simply no condition or hazard at the place of employment [as] [t]he record establishes that the plaintiff was walking on an obstacle-free concrete surface when he felt an increase in pain in his back and left hip area." *Id.* Since "the floor leading to the work station was smooth and flat, without any steps, with no rough or uneven surfaces," the court in *Wilhelm* held that the plaintiff's injuries did not arise out of or in the course of his employment and were consequently not compensable. *Id.* at 130.

B. *Shearon v. Seaman*

The court in *Shearon* found that while the plaintiff's death occurred in the course of his employment, it did not, however, arise out of the scope of his employment. *Shearon*, 198 S.W.2d at 214. Specifically, when the cause or origin of the plaintiff's fall and resulting death could not be explained, the court held that they were idiopathic and, therefore, not compensable under worker's compensation laws. *Id.* at 215. While it was undisputed that the plaintiff in *Shearon* died from a head injury and that he did so while at work, "there [was] insufficient evidence from which the trier of fact could determine, within a reasonable degree of medical certainty, any cause for the injury." *Id.* The court additionally supported its decision on the fact that "there [was] no evidence that the [plaintiff's] employment presented 'a peculiar or additional hazard.'" Because "compensation will not be awarded where the cause of death [or injury] is a matter of speculation or conjecture," the court held that the plaintiff's injury and subsequent death were "idiopathic or unexplained." *Id.* Without more, the court stated that it could not find them compensable under the worker's compensation laws. *Id.*

C. *Thornton v. Thyssen Krupp Elevator Mfg. Inc.*

When the plaintiff in *Thornton v. Thyssen Krupp Elevator Mfg. Inc.* suffered an injury to his leg as his knee buckled while walking across his employer's warehouse floor, the court found that his injury did not arise out of or in the course of employment for purposes of recovering worker's compensation benefits. No. W2006-00254-SC-WCM-WC, 2007 WL 1203586, at *2 (Tenn. April 24, 2007). Instead, the court in *Thornton* found that the plaintiff's injuries were idiopathic because there was not "a sufficient relationship between the knee injury and the actions of the employee in walking on a level floor without obstacles or obstructions and then stopping abruptly to find a part." *Id.* at *5. Thus, "[t]here [was] no hazard incident to the employment." *Id.* Furthermore, the court found "no instrument at all which caused the injury, but rather circumstances within the employee's own body." As a result, the court concluded that a "rational mind, upon consideration of all the circumstances" would not find "a casual connection between the conditions and the resulting injury." *Id.*

D. *Sudduth v. Williams*

Similarly, the court found that the plaintiff's death in *Sudduth* was not compensable

when his fall while at work for the defendant/service station resulted from an idiopathic seizure for which no hazard incident to his employment accompanied or contributed. *Sudduth*, 517 S.W.2d at 523. Particularly, the court noted that there was no evidence that plaintiff had slipped or fallen on grease or oil. *Id.* at 521. On the contrary, the record reflected corroborating testimony that the area had been clean and free from any substances at the time of the fall. *Id.* Moreover, the court relied on the plaintiff's medical history from which it "was a permissible inference to be drawn" "that the fall sustained by the decedent at his place of employment resulted from an idiopathic seizure." *Id.* at 523. Thus, court concluded that the plaintiff's injuries and ultimate death did not arise out of his employment because no hazard incident to his employment accompanied or contributed to his fall. *Id.*

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