

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED
CLAIMS COMMISSION
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JOANN LAMPHIER,)
) Claim No. 30121277822
 Claimant,)
)
 vs.) Workers' Compensation
)
 STATE OF TENNESSEE,)
) Regular Docket
 Defendant.)

JUDGMENT FOR THE DEFENDANT AND DISMISSAL OF CLAIM

This Workers' Compensation claim was tried on July 1, 2014 before Robert N. Hibbett, Commissioner and Trial Judge of the facts and law, in the One Cannon Way Building at Clover Bottom Center. The Claimant, JoAnn Lamphier, was self-represented. Assistant Attorney General Michael L. DeLisle represented the State of Tennessee. The Trial Transcript was filed on July 23, 2014.

Claimant, JoAnn Lamphier, seeks workers' compensation benefits for injuries to her mouth, chest, arms and knees from a fall that occurred while she was at work at a Department of Safety driver's license center. The Claims Commission has jurisdiction of this matter under Tenn. Code Ann. § 9-8-307(a)(1)(K), relative to workers' compensation claims by state employees.

Pursuant to Tenn. Code Ann. § 9-8-403(i), the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

Testimony Of Joann Lamphier

Ms. Lamphier was working at her place of employment with the State of Tennessee on December 28, 2012¹ when she walked down the hallway towards the restrooms of her building. She was just outside the men's restroom when she fell face first onto the floor. She broke her teeth and incurred abrasions, cuts and bruises. She did not immediately go to the hospital but did later after she arrived at home. The hospital kept her for 24 hours but then released her to go home.

She testified she did not pass out or was dizzy. She simply was walking to the bathroom and the next thing she knew was that she was down on the floor. She had no clue as to what caused her to fall down on the floor.

The Tribunal believes and accredits the testimony of the Claimant.

Testimony Of Rick Blackburn

Rick Blackburn was the examiner in charge and was the Claimant's supervisor on the day of the accident. He was working on the floor and he and another examiner went to the hall going toward the bathrooms and found

¹ She first said December 29, 2012 but later corrected herself.

Claimant on the floor. He checked to see if Claimant was okay and he told the other examiner to call Claimant's husband and he called the district supervisor.

In the past, he had seen water and dirt on the floor outside the restrooms. However, he did not know why she fell or looked for the reason she fell on the day of her injury. He did not examine the floor because he was not looking. He described the floor where Claimant fell as smooth tile or linoleum.

The Tribunal believes and accredits the testimony of Mr. Blackburn.

CONCLUSIONS OF LAW

It is settled law that for an injury to be compensable under Workers' Compensation it must arise "primarily out of and in the course and scope of employment." Tenn. Code Ann. § 50-6-102. The State contends there was no hazard of employment that caused the Claimant's fall and injury and that it was an idiopathic fall.

In a case where the Trial Court found that a claimant's fall was idiopathic and no hazard of employment contributed to the fall, the Supreme Court stated the following in affirming the judgment:

It has been held in numerous cases in this state that the phrases 'arising out of' and 'in the course of' are not synonymous, but rather, embody distinct concepts which are basic to liability under the statute. *Knox v. Batson*, 217 Tenn. 620, 399 S.W.2d 765

(1966). It was held in that case that the 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. If the injury or death resulted from an exposure which is no more or different from that of any other member of the public similarly situated in place and time, it is not compensable.

Sudduth v. Williams, 517 S.W.2d 520, 523 (Tenn. 1974)

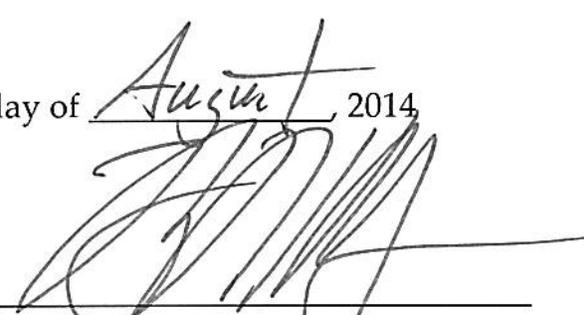
It appears, in looking at the facts in a light most favorable to the Claimant, that there was no hazard that caused the Claimant's fall. She simply fell down. Under the law, the employer cannot be held liable for workers' compensation benefits if the injury is not connected to the employee's employment or workplace. In this case there was not any remarkable or extraordinary condition identified to cause the Claimant's fall. Although it is clear that the Claimant did fall and was injured at her workplace, her employer cannot be held liable for an idiopathic fall.

Therefore, the Claimant has failed to prove, by preponderance of the evidence, that her injury arose primarily out of and in the scope of her employment. The Tribunal finds that this is not a compensable injury and the Claimant is not eligible for Workers' Compensation benefits.

IT IS, THEREFORE, ORDERED, DECREED AND ADJUDGED:

1. That this claim is not eligible for benefits under the Workers' Compensation Act and Tenn. Code Ann. § 9-8-307(a)(1)(K) and is respectfully dismissed.
2. The court costs are taxed to the Claimant,
3. Each party is responsible for their own discretionary costs.
4. This is a final judgment.

ENTERED this 18 day of August, 2014



ROBERT N. HIBBETT
Claims Commissioner
Sitting as the Trial Court of Record

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

MICHAEL L. DELISLE
TN Treasury Department
P.O. Box 20207
Nashville, TN 37202-0207
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JOANN LAMPHIER
2455 VanLawn Lane
Christiana, TN 37037

This 22nd day of August, 2014.



PAULA SWANSON
Administrative Clerk
Tennessee Claims Commission