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4-18-2017

Robinson, Carrie v. Vanderbilt University

Tennessee Workers' Compensation Appeals Board

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**TENNESSEE BUREAU OF WORKERS' COMPENSATION
WORKERS' COMPENSATION APPEALS BOARD**

Carrie Robinson)	Docket No. 2016-06-1563
)	
v.)	State File No. 48284-2016
)	
Vanderbilt University)	
)	
Appeal from the Court of Workers')	
Compensation Claims,)	
Joshua D. Baker, Judge)	

Affirmed and Remanded - Filed April 18, 2017

In this interlocutory appeal, the employee challenges the trial court's conclusion that she did not file her claim within the statute of limitations provided in Tennessee Code Annotated section 50-6-203 (2016). Although the employee alleged injuries as a result of her employment with her employer, she did not file a claim for those injuries until over one year after the alleged date of injury and over one year from the date she retired from her employment. Following an expedited hearing, the trial court concluded the employee's claim was time barred. The employee has appealed. We affirm the trial court's decision and remand the case.

Presiding Judge Marshall L. Davidson, III, delivered the opinion of the Appeals Board in which Judge David F. Hensley and Judge Timothy W. Conner joined.

Carrie Robinson, Nashville, Tennessee, employee-appellant, pro se

Nathaniel K. Cherry, Nashville, Tennessee, for the employer-appellee, Vanderbilt University

Memorandum Opinion¹

Carrie Robinson (“Employee”) alleged suffering injuries to her back as a result of her employment in a market at Vanderbilt University (“Employer”). While the precise theory of her claim is unclear, it appears she alleges suffering injuries to her back and neck as a result of repetitive lifting of items in the store. Employee alleged a June 1, 2015 date of injury, and she retired from her employment with Employer effective August 1, 2015 without having given notice of a work injury. It is undisputed that she first provided notice of her injuries to Employer in a letter dated April 26, 2016.

Employer denied the claim, and Employee filed a petition for benefit determination on August 18, 2016. After an expedited hearing, the trial court found Employee had failed to file her claim for benefits within the time period mandated by Tennessee Code Annotated section 50-6-203 and declined to award benefits.² Employee has appealed.

Employee has provided no argument or explanation on appeal identifying or describing any errors she contends were made by the trial court.³ As stated by the Tennessee Supreme Court, “[i]t is not the role of the courts, trial or appellate, to research or construct a litigant’s case or arguments for him or her.” *Sneed v. Bd. of Prof’l Responsibility of the Supreme Court of Tenn.*, 301 S.W.3d 603, 615 (Tenn. 2010). Indeed, were we to search the record for possible errors and raise issues and arguments for Employee, we would essentially be acting as her counsel, which the law prohibits us from doing. It is unclear how Employee contends the trial court erred in resolving her case, and we decline to speculate.

Furthermore, without a record of the testimony presented to the trial court, the totality of the evidence introduced at the expedited hearing is unknown, and we will not speculate as to the nature and extent of the proof presented to the trial court. Consistent

¹ “The Appeals Board may, in an effort to secure a just and speedy determination of matters on appeal and with the concurrence of all judges, decide an appeal by an abbreviated order or by memorandum opinion, whichever the Appeals Board deems appropriate, in cases that are not legally and/or factually novel or complex.” Appeals Bd. Prac. & Proc. § 1.3.

² Tennessee Code Annotated section 50-6-203(b)(1) provides that “[i]n instances when the employer has not paid workers’ compensation benefits . . . the right to compensation . . . shall be forever barred, unless the notice required by § 50-6-201 is given to the employer and a petition for benefit determination is filed with the bureau . . . within one (1) year after the accident resulting in injury.” Here, it is undisputed that Employer did not pay any workers’ compensation benefits to Employee.

³ The notice of appeal filed by Employee merely states: “I feel that there wasn’t statute of limitations, because I talked to labor force and I was told that I still had time to file for workman’s comp, the date that was recorded is not the actually [sic] date that I filled [sic] for workman’s compensation. I was still working at Vanderbilt June 1, 2015.”

with established Tennessee law, we must presume that the trial court's rulings were supported by sufficient evidence. *See Leek v. Powell*, 884 S.W.2d 118, 121 (Tenn. Ct. App. 1994) ("In the absence of a transcript or a statement of the evidence, we must conclusively presume that every fact admissible under the pleadings was found or should have been found favorably to the appellee.").

Accordingly, the trial court's decision is affirmed, and the case is remanded for any further proceedings that may be necessary.



FILED

April 18, 2017

**TENNESSEE
WORKERS' COMPENSATION
APPEALS BOARD**

Time: 9:46 A.M.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Appeals Board's decision in the referenced case was sent to the following recipients by the following methods of service on this the 18th day of April, 2017.

Name	Certified Mail	First Class Mail	Via Fax	Fax Number	Via Email	Email Address
Carrie Robinson					X	robinsoncm61@gmail.com
Nathaniel K. Cherry					X	ncherry@howardtatelaw.com
Joshua D. Baker, Judge					X	Via Electronic Mail
Kenneth M. Switzer, Chief Judge					X	Via Electronic Mail
Penny Shrum, Clerk, Court of Workers' Compensation Claims					X	Penny.Patterson-Shrum@tn.gov

Jeanette Baird
Deputy Clerk, Workers' Compensation Appeals Board
220 French Landing Dr., Ste. 1-B
Nashville, TN 37243
Telephone: 615-253-0064
Electronic Mail: WCAppeals.Clerk@tn.gov