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Tennessee Court of Workers' Compensation Claims  
and Workers' Compensation Appeals Board

Law

9-21-2017

## Hughes, Ralph v. Barnhart Crane and Rigging Co.

Tennessee Workers' Compensation Appeals Board

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

|  |   |                           |
|--|---|---------------------------|
| Ralph Hughes                           | ) | Docket No. 2016-02-0348   |
|  | ) |                           |
| v.                                     | ) | State File No. 65244-2015 |
|  | ) |                           |
| Barnhart Crane and Rigging Co., et al. | ) |                           |
|  | ) |                           |
| Appeal from the Court of Workers'      | ) |                           |
| Compensation Claims                    | ) |                           |
| Brian K. Addington, Judge              | ) |                           |

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**Affirmed and Remanded—Filed September 21, 2017**

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The employee, a crane operator, sustained an injury to his right hand and wrist in the course and scope of his employment. After receiving the employer’s responses to his requests for admission, the employee filed a motion for an extension of time to respond to discovery and to strike the employer’s responses. The trial court denied the motion, and the employee 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.

Thomas D. Dossett, Kingsport, Tennessee, for the employee-appellant, Ralph Hughes

Eric Shen, Knoxville, Tennessee, for the employer-appellee, Barnhart Crane and Rigging Co.

**Memorandum Opinion<sup>1</sup>**

Ralph Hughes (“Employee”) alleges suffering an injury to his hand and wrist when a large valve fell on him in the course of his employment with Barnhart Crane and Rigging Company (“Employer”) on July 17, 2015. Employee was transported to a hospital and treated for a laceration to his right wrist. He received authorized medical

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<sup>1</sup> “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.

treatment and was ultimately placed at maximum medical improvement. In anticipation of trial, Employee served Employer with various requests for admission, to which Employer responded.

Thereafter, Employee filed a “Motion to Extend [the] Deadline for Responding to Written Discovery and to Strike the [Employer’s] Responses to [Employee’s] Requests for Admissions,” asking that the “responses filed by [Employer] . . . be stricken as being inadequate, incomplete and not in compliance with the rules.” In its response to the motion, Employer contended that its responses to Employee’s requests for admission were “proper and complete” and, therefore, Employee’s motion should be denied. The trial court denied Employee’s motion on the basis that Employer’s responses complied with the applicable rules and that there was “no justifiable basis for extending the deadline for responding to written discovery.” Employee has appealed.

Employee has provided no brief or substantive argument on appeal setting out how the trial court erred in ruling upon his motion. Employee did attach a two-paragraph document to his notice of appeal titled “statement of the issues.” However, other than containing conclusory statements, the document identifies no issues and offers no meaningful explanation for how the trial court may have abused its discretion in resolving the parties’ discovery dispute. As our Supreme Court has made clear, “[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, and where a party fails to develop an argument in support of his or her contention or merely constructs a skeletal argument, the issue is waived.” *Sneed v. Bd. of Prof’l Responsibility of the Sup. Ct. of Tenn.*, 301 S.W.3d 603, 615 (Tenn. 2010).

Accordingly, we affirm the decision of the trial court and remand the case.



**FILED**

**September 21, 2017**

**TENNESSEE  
WORKERS' COMPENSATION  
APPEALS BOARD**

**Time: 8:12 A.M.**

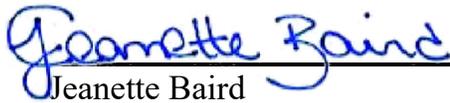
**TENNESSEE BUREAU OF WORKERS' COMPENSATION  
WORKERS' COMPENSATION APPEALS BOARD**

Ralph Hughes ) Docket No. 2016-02-0348  
 )  
v. ) State File No. 65244-2015  
 )  
Barnhart Crane and Rigging Co., et al. )

**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 21st day of September, 2017.

| Name  | Certified Mail | First Class Mail | Via Fax | Fax Number | Via Email | Email Address                |
|---|----------------|------------------|---------|------------|-----------|------------------------------|
| Thomas D. Dossett   |                |                  |         |            | X         | td@tdlaw.com                 |
| Eric Shen   |                |                  |         |            | X         | eric.shen@libertymutual.com  |
| Brian K. Addington,<br>Judge                                    |                |                  |         |            | X         | Via Electronic Mail          |
| Kenneth M. Switzer,<br>Chief Judge                              |                |                  |         |            | X         | Via Electronic Mail          |
| Penny Shrum, Clerk,<br>Court of Workers'<br>Compensation Claims |                |                  |         |            | X         | Penny.Patterson-Shrum@tn.gov |

  
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