

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE

**ELLEN PATTY SIEBER v. TOWN OF OLIVER SPRINGS,**

**Direct Appeal from the Circuit Court for Roane County  
No. 11627, Hon. Russell Simmons, Judge,**

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**No. E1999-01228-COA-R3-CV - Decided May 8, 2000**

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**CONCURRING OPINION**

Judge Franks.

The majority affirms the Trial Judge's summary dismissal of plaintiff's action, and I concur in the affirmance of the dismissal on the basis that plaintiff was either estopped or has waived her right to maintain this action.

It is not disputed that plaintiff signed a letter of resignation in return for the right to draw unemployment compensation, and she only brought this action after she had received all of her unemployment compensation benefits. These benefits were a consideration for her negotiated agreement to resign, and I find no basis in the record to go behind this contract between the parties, or the necessity to otherwise discuss the elements of her alleged cause of action.