

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

FILED
December 7, 1998
No. 01S01-9705-CH-00114
Cecil W. Crowson
Appellate Court Clerk

FAY THOMAS NUTT,)
)
 PLAINTIFF/APPELLEE,)
)
 v.)
)
 CHAMPION INTERNATIONAL)
 CORPORATION,)
)
 DEFENDANT/APPELLANT.)

No. 01S01-9705-CH-00114
WAYNE CHANCERY NO. 8926
TRIAL COURT AFFIRMED
AS MODIFIED

J U D G M E N T

This cause came on to be heard upon the record on appeal from the Special Worker’s Compensation Appeals Panel, and the briefs and argument of counsel; and upon consideration thereof, this Court is of the opinion that the 1996 amendment to Tenn. Code Ann. § 50-6-114 of the Workers’ Compensation Act is not retroactive and the employer is not entitled to an offset against the worker’s compensation award in this case.

In accordance with the opinion filed herein, it is, therefore, ORDERED AND ADJUDGED by this Court that the judgment of the Wayne County Chancery Court holding that the 1996 amendment was applicable but the employer was not entitled to an offset be and the same is hereby affirmed as modified.

The costs of this appeal are taxed to the defendant, for which execution may issue if necessary.