**IN THE SUPREME COURT OF TENNESSEE**
**SPECIAL WORKERS' COMPENSATION APPEALS PANEL**
**KNOXVILLE, NOVEMBER 1999 SESSION**



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| MARY ALICE MAUPIN,<br><br>Plaintiff/Appellee<br><br>V.<br><br>METHODIST MEDICAL CENTER OF OAK RIDGE,<br><br>Defendant/Appellant | ) | ANDERSON CIRCUIT<br><br>HON. JAMES B. SCOTT, JR.<br>Circuit Judge<br><br>E 1999-02181-WC-CV<br>No. 03S01-9901-CC-00009 |

**For the Appellant:**

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**For the Appellee:**

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**M E M O R A N D U M O P I N I O N**

**Members of Panel:**

E. Riley Anderson, Chief Justice
Roger E. Thayer, Special Judge
H. David Cate, Special Judge

AFFIRMED. THAYER, Special Judge

This workers' compensation appeal has been referred to the Special Workers' Compensation Appeals Panel of the Supreme Court in accordance with Tenn. Code Ann. § 50-6-225(e)(3) for hearing and reporting to the Supreme Court of findings of fact and conclusions of law.

The employer, Methodist Medical Center of Oak Ridge, has appealed from the trial court's ruling awarding the employee, Mary Alice Maupin, certain travel

expenses pursuant to the provisions of T.C.A. § 50-6-204. All other issues were settled and approved by the trial court.

The sole issue is whether the employee is entitled to a mileage allowance under subsection (a)(6)(A) of the statute which provides;

> "When an injured worker is required by the worker's employer to travel to an authorized medical provider or facility located outside a radius of fifteen (15) miles from such insured worker's residence or workplace, then, upon request, such employee shall be reimbursed for reasonable travel expenses. The injured employee's travel reimbursement shall be calculated based on a per mile reimbursement rate, as defined in subdivision (a)(6)(B), times the total round trip mileage as measured from the employee's residence or workplace to the location of the medical provider's facility. . . . . ."

The trial court made findings that the employee "was not able to work at the time these medical expenses were incurred, and that the plaintiff's residence was more than fifteen miles from the location of the requested medical treatment and as the plaintiff had to travel in excess of fifteen miles from her home to the location for medical treatment, the Court finds that these expenses should be reimbursed." The order also recited that plaintiff had not been released to return to work at the time her travel expenses were incurred and that the medical treatment was authorized.

The employer contends the trial court misconstrued the statute and that the mileage allowance should not have been allowed as the authorized medical treatment was within fifteen miles of the workplace and that the statute measured the right to mileage reimbursement by determining whether the travel was fifteen miles from the worker's residence or workplace.

The employee insists the statutory language does not give the option to the employer to measure mileage from the location it may choose but the statute must be examined in light of actual distance traveled. It is also argued that the statute does not say mileage is to be determined and measured "from the employee's residence or workplace, to be determined by the employer" or it does not state measurement shall be "from the employee's residence or workplace, whichever is less."

The case is to be reviewed *de novo* accompanied by a presumption of the findings of fact unless we find the preponderance of the evidence is otherwise. T.C.A. § 50-6-225(e)(2). However, in reviewing a question of law, there is no presumption in favor of the ruling. *Union Carbide Corp. v. Huddleston,* 854 S.W.2d 89, 91 (Tenn. 1993).

There is no issue concerning the factual findings of the trial court.

In construing a statute, proper interpretations should give effect to the entire statute by giving its words their natural and ordinary meaning. *Pryor Oldsmobile v.*

*Motor Vehicle Com'n*, 803 S.W.2d 227 (Tenn. 1990). The courts should avoid absurd consequences, *Anderson v. Security Mills*, 133 S.W.2d 478 (Tenn. 1939), and should avoid forced constructions that limit or extend the statute's meaning. *State v. Hinsley*, 627 S.W.2d 351, 354 (Tenn. 1982).

Tennessee's workers' compensation laws are to be construed liberally in order to attain the purposes for which they were enacted and to ensure that injured employees are justly and appropriately reimbursed for debilitating injuries suffered in the course of service to the employer. *Betts v. Tom Wade Gin*, 810 S.W.2d 140 (Tenn. 1991).

We concur with the trial court's ruling that the statute was intended to reimburse an employee for mileage when it was necessary to travel from the employee's residence to the authorized medical provider outside a radius of fifteen miles. It would be basically unfair to construe the language in such a manner as to deny mileage because the workplace was within a distance of fifteen miles to the medical provider. However, if the employee had reported to work and at some point in time during the workday had traveled to the medical provider (which was less than 15 miles) the employer's argument that measurement from the workplace should determine liability would be more acceptable. We believe this is a fair and reasonable construction of the language and find that it promotes the underlying purpose and object of compensating employees for actual travel mileage in seeking treatment for work-related injuries.

The employee argues the appeal was frivolous. We decline to find the issue to be unworthy or trivial in nature

The judgment of the trial court is affirmed. Costs of the appeal are taxed to the employer-defendant.

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Roger E. Thayer, Special Judge

CONCUR:

_____
E. Riley Anderson, Chief Justice

_____
H. David Cate, Special Judge

IN THE SUPREME COURT OF TENN
AT KNOXVILLE

FILED

March 2, 2000

Cecil Crowson, Jr.
Appellate Court
Clerk

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| MARY ALICE MAUPIN | ) | ANDERSON CIRCUIT |
| | ) | No. 97LA0251 |
| Plaintiff/Appellee | ) | No. E 1999-02181-WC-R3 CV |
| | ) | |
| | ) | |
| VS. | ) | |
| | ) | |
| | ) | |
| | ) | Hon. James E. Scott, Jr. |
| | ) | Circuit Judge |
| METHODIST MEDICAL CENTER | ) | |
| OF OAK RIDGE | ) | |
| Defendant/Appellant. | ) | |

JUDGMENT ORDER

This case is before the Court upon the entire record, including the order of referral to the Special Workers' Compensation Appeals Panel, and the Panel's memorandum Opinion setting forth its findings of fact and conclusions of law, which are incorporated herein by reference;

Whereupon, it appears to the Court that the memorandum Opinion of the Panel should be accepted and approved; and

It is, therefore, ordered that the Panel's findings of facts and conclusions of law are adopted and affirmed and the decision of the Panel is made the Judgment of the Court.

Costs on appeal are taxed to the defendant/appellant, Methodist Medical Center of Oak Ridge and Robert W. Knolton, surety, for which execution may issue if necessary.

03/02/00