

IN THE SUPREME COURT OF TENNESSEE  
SPECIAL WORKERS' COMPENSATION APPEALS PANEL

**GLOBE BUSINESS FURNITURE, INC., v. EDELTRAUB INGRID  
MORRIS**

**Circuit Court for Sumner County  
No. 17433-C**

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**No. M1999-00393-WC-R3-CV - Decided May 15, 2000**

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**JUDGMENT**

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 fact and conclusions of law are adopted and affirmed, and the decision of the Panel is made the judgment of the Court.

Costs will be paid by appellant, Edeltraud Ingrid Morris, for which execution may issue if necessary.

**IT IS SO ORDERED.**

**PER CURIAM**

IN THE SUPREME COURT OF TENNESSEE  
SPECIAL WORKERS' COMPENSATION APPEALS PANEL  
AT NASHVILLE  
(February 22, 2000 Session)

**GLOBE BUSINESS FURNITURE, INC., v. EDELTRAUB INGRID  
MORRIS.**

**Direct Appeal from the Circuit Court for Sumner County  
No. 17433-C, Thomas Goodall, Judge**

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**No. M1999-00393-WC-R3-CV - Mailed April 12, 2000  
Filed May 15, 2000**

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This workers' compensation appeal has been referred to the Special Workers' Compensation Appeals Panel in accordance with Tenn. Code Ann. §50-6-225(e)(3) for hearing and reporting of findings of fact and conclusions of law. The employer, Globe, initiated this action for a declaration of the extent of its liability, if any, to the employee, Morris, for an injury to her finger. The employee, Morris, filed a counterclaim seeking medical and disability benefits. After a trial on the merits, the trial judge found (1) that the injury did not arise out of and in the course of employment and (2) the claimant was not permanently disabled to any extent. The counterclaim was dismissed at the cost of Ms. Morris. By this appeal, the employee insists the trial judge erred in finding that the claimant's injury did not occur while she was performing a "special errand" for the employer and in refusing to award any disability benefits. As discussed herein, the panel finds that the injury is compensable and remands the case to the trial court for further proceedings.

**Tenn. Code Ann. § 50-6-225(e) Appeal as of Right; Judgment of the Circuit Court reversed in part; and Remanded**

Loser, Sp. J., delivered the opinion of the panel, in which Drowota, J. and Gayden, Sp. J. joined.

D. Stuart Caulkins, Stillman, Karr & Wise, Nashville, Tennessee, for the appellant, Edeltraub Ingrid Morris.

Arthur E. McClellan, Gallatin, Tennessee, for the appellee, Globe Business Furniture of Tennessee, Inc.

**MEMORANDUM OPINION**

The facts are not disputed. The claimant came to the United States in 1988 from her home country of Germany. She graduated from high school in Germany and had three years of training in a hotel

specialty school where she learned about housekeeping, front desk operations and guest services. She was employed in Germany as a housekeeper for fifteen years, where she performed general housekeeping duties and eventually became a supervisor of five other housekeepers.

Upon her arrival in the United States, she began working at Opryland Hotel as a housekeeper and then as a housekeeping supervisor, responsible for cleaning up to sixteen rooms and supervising others. She left her employment at Opryland to accept employment at U.S.A. Leather Goods in Mt. Juliet because she needed her weekends off. At U.S.A. Leather Goods, she made leather binders and day planners, a physical hands-on job that required the use of her dominant right hand.

She began working for Globe in September of 1997. Her duties there were to glue the seats and backs of chairs and to put fabric and foam on the business chairs manufactured at Globe. The chairs came to her station in pieces and she had to manipulate the pieces and assemble the chairs' various components. Her station was on a motorized assembly line which operated at a fixed speed. If she left her station, the chairs and their components would fall off the assembly line. Her regular working hours were from 6:30 a.m. until 6:30 p.m. Office workers took breaks at the same time as production workers, so the office was not accessible to the claimant while she was working.

When she was hired, the claimant was told that she would be required to wear safety glasses. In her case, that meant prescription safety glasses because she needed prescription glasses to see what she was doing. In order to obtain her glasses, she needed to obtain a form from the office and pick up the glasses on the same day. As a result, it was not possible for the claimant to obtain the required safety glasses during hours that she was working and being paid. In order to obtain both the form and the glasses on the same day, she had to take a day off from work. Moreover, she was instructed by the employer's safety staff that she would have to get the glasses on her own time.

On September 17th, the claimant talked to the plant leader, the plant manager and her supervisor about her plan to take the day off on the 18th to attend an awards ceremony, where she was to receive an award, in Nashville and to obtain her glasses in order to kill two birds with one stone. The plant manager instructed her to pick up the form, signed and dated, on the morning of the 18th. She did as instructed. As she was leaving the plant after picking up her form and on her way to purchase the glasses, she tripped on a step and fell, injuring her finger.

The first issue to be addressed is whether the injury is compensable. The claimant contends that it is because of the special errand doctrine, which, she says, Tennessee adopted in Stevens by Stevens v. Maxima Corporation, 774 S.W.2d 931 (Tenn. 1989). The test for compensability under Tennessee law continues to be whether the claimant suffered an injury by accident arising out of and in the course of employment. Tenn. Code Ann. §50-6-103(a).

The employer contends the doctrine is inapplicable to the facts of the present case, and that an injury which occurs while the worker is going to or from work or during lunch or dinner break is not compensable, if it occurs while the employee is off the premises.

Appellate review is de novo upon the record of the trial court, accompanied by a presumption of

correctness of the findings of fact, unless the preponderance of the evidence is otherwise. Tenn Code Ann. §50-6-225(e)(2). Conclusions of law are subject to review without any presumption of correctness. Presley v. Bennett, 860 S.W.2d 857 (Tenn. 1993).

An accidental injury arises out of one's employment when there is apparent to the rational mind, upon a consideration of all the circumstances, a causal connection between the conditions under which the work is required to be performed and the resulting injury, and occurs in the course of one's employment if it occurs while an employee is performing a duty she was employed to do. Fink v. Caudle, 856 S.W.2d 952 (Tenn. 1993). "Arising out of" refers to the origin of the injury in terms of causation and "in the course of " relates to time, place and circumstances. McCurry v. Container Corp. of America, 982 S.W.2d 841, 843 (Tenn. 1998). For an injury to be compensable, both components are required. McCaleb v. Saturn Corp., 910 S.W.2d 412 (Tenn. 1995).

It has long been the rule in Tennessee that an injury which occurs while an employee is engaged in a trip made necessary by the requirements of his employment is compensable unless the injury occurs while the employee is deviating from a route mandated by the employer and which materially increases the risk of injury. Watson v. U.S. Fire Ins. Co., 577 S.W.2d 668 (Tenn. 1979). In this case, the employee's work required her to obtain safety glasses on her day off. The trip she was taking was made necessary by that requirement of her employment. Additionally, the employer specifically instructed her to make the trip on the very day of the injury, without mandating any particular route. She was allowed to choose her own route. It also appears from the record that the injury may have occurred as she was leaving the plant, but on the employer's premises, thus negating the effect of rules concerning injuries occurring off the employer's premises. For the above reasons, the judgment of the trial court disallowing the employee's claim is reversed.

The parties have stipulated that the claimant is not permanently disabled, that she was temporarily totally disabled for a period of 21.8 weeks and that her compensation rate is \$165.00, entitling her to \$3,597.00 in temporary total disability benefits. The parties have further stipulated that the claimant incurred reasonably necessary medical expenses of \$1,965.66. She is also entitled to medical mileage expenses for 482 miles. Accordingly, the cause is remanded to the Circuit Court for Sumner County for entry of a judgment consistent herewith. Costs on appeal are taxed to the appellant.