

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

December 18, 2002 Session

BOBBY WILLIAM SMITH v. FINDLAY INDUSTRIES, ET AL.

**Direct Appeal from the Chancery Court for Warren County
No. 7010 J. Richard McGregor, Special Master**

**No. M2002-01315-WC-R3-CV - Mailed - February 6, 2003
Filed - March 11, 2003**

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. In this appeal, the employee insists the trial court erred in denying his motion for post-judgment interest. As discussed below, the panel has concluded the judgment denying interest should be reversed and the cause remanded for an award of interest from the date of entry of the original judgment.

Tenn. Code Ann. § 50-6-225(e) (2002 Supp.) Appeal as of Right; Judgment of the Chancery Court Reversed and Remanded

JOE C. LOSER, JR., SP. J., delivered the opinion of the court, in which ADOLPHO A. BIRCH, J., and JOHN K. BYERS, SR. J., joined.

Barry H. Medley and Frank D. Farrar, McMinnville, Tennessee, for the appellant, Bobby William Smith

Patrick A. Ruth, Nashville, Tennessee, for the appellee, Findlay Industries/Gardner Division

MEMORANDUM OPINION

In the first appeal of this case, this court affirmed the judgment but remanded the cause to the trial court for a determination of the employee's compensation rate. On remand, the trial court corrected the employee's correct compensation rate to \$287.58. The judgment was satisfied shortly thereafter. However, the employee's motion for post-judgment interest was denied. The employee has appealed contending he should be awarded interest. We agree.

Conclusions of law are reviewed de novo without a presumption of correctness. Nutt v. Champion Intern. Corp., 980 S.W.2d 365, 367 (Tenn. 1998). The issue before us is one of law and

we have reviewed it accordingly. The Workers' Compensation Act expressly requires that it be given "equitable construction" and declares itself to be a remedial Act. Tenn. Code Ann. § 50-6-116. Workers' compensation laws must be construed so as to ensure that injured employees are justly and appropriately reimbursed for debilitating injuries suffered in the course of service to the employer. Story v. Legion Ins. Co., 3 S.W.3d 450, 455 (Tenn. 1999).

In a workers' compensation case, if an appeal is taken, interest must be computed from the date the judgment was entered by the trial court. Tenn. Code Ann. 50-6-225(g)(1) (2002 Supp.); McClain v. Henry I. Siegel Co., 834 S.W.2d 295 (Tenn. 1992). We find no merit in the appellee's contention that the statute is abrogated by the fact that the judgment was modified by the previous appeal. Construing the statute as required, its language is plain. By it, the claimant is entitled to interest from the date of entry of judgment by the trial court until the judgment was paid. The requirement encourages employers to pay disability benefits in a timely fashion. Moreover, the determination of the correct compensation rate could and should have been known to the employer from its own records; and the employer should have paid benefits at that rate. By failing to do so, the employer accepted the risk of having to pay interest.

For those reasons, the judgment of the trial court disallowing interest is reversed and the cause remanded for entry of a judgment consistent with this opinion. Costs are taxed to the appellee.

JOE C. LOSER, JR.

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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 the appellee, Findlay Industries/Gardner Division, for which execution may issue if necessary.

IT IS SO ORDERED.

PER CURIAM