IN THE SUPREME COURT OF TENNESSEE

SPECIAL WORKERS' COMPENSATION APPEALS PANEL

AT KNOXVILLE
(March 6, 1996 Session)

DEBBIE G. FARROW,	)	KNOX CIRCUIT
	)	
Plaintiff-Appellant,	)	Hon. Wheeler Rosenbalm,
	)	Judge
v.	)	
	)	No. 03S01-9508-CV-00089
PHILLIPS CONSUMER ELECTRONICS COMPANY,	)	
	)	
Defendant-Appellee.	)	

For Appellant:

James L. Milligan, Jr.
James L. Milligan, Jr. and Associates
Knoxville, Tennessee

For Appellee:

Arthur G. Seymour, Jr.
Robert L. Kahn
Knoxville, Tennessee

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

Members of Panel:

Penny J. White, Associate Justice, Supreme Court
William H. Inman, Senior Judge
Joe C. Loser, Jr., Special Judge

REVERSED AND REMANDED

Loser, 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. section 50-6-225(e)(3) for hearing and reporting of findings of fact and conclusions of law. In this appeal, the employee or claimant, Farrow, contends the evidence preponderates against the trial court's finding that her injury did not arise out of her employment. The panel concludes that the judgment should be reversed and the case remanded for an award of benefits.

On October 6, 1993, the claimant was injured while she was hurriedly walking from her work station to the cafeteria at the start of a ten minute break period. She had almost reached the stop of a stairway when she came down hard on her foot, injuring her knee. She suffered internal knee derangement, according to the operating surgeon.

The trial judge found that the injury occurred in the course of employment, but did not arise out of the employment, as required. 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. section 50-6-225(e)(2). Conclusions of law are subject to de novo review without any presumption of correctness. Presley v. Bennett, 860 S.W.2d 857 (Tenn. 1993).

Generally, an injury arises out of employment if it has a rational causal connection to the work; and any reasonable doubt as to whether an injury arose out of the employment or not is to be resolved in favor of the employee. Hall v. Auburntown Industries, Inc., 684 S.W.2d 614 (Tenn. 1985); White v. Werthan Industries, 824 S.W.2d 158 (Tenn. 1992). Where an employee is injured on the employer's premises during a break period provided by the employer, such an injury is generally compensable. Wellington v. John Morrell and Co., 619 S.W.2d 116 (Tenn. 1981); Drew v. Tappan Co., 630 S.W.2d 624 (Tenn. 1982); Holder v. Wilson Sporting Goods Co., 723 S.W.2d 104 (Tenn. 1987). The rule is derived from the notion that an employer who directs or permits his employees to eat at a place provided for that purpose or otherwise within the premises, owes such employees the same duty of protection from danger there that it does at the place where the employees work. Johnson Coffee Co. v. McDonald, 143 Tenn. 505, 226 S.W. 215 (1920).

On the strength of those authorities, the panel finds that the evidence preponderates against the trial court's finding and in favor of a finding that the claimant's injury is compensable. The judgment of the trial court is accordingly reversed and the case remanded to the trial court for an award of benefits. Costs on appeal are taxed to the defendant-appellee.

Joe C. Loser, Jr., Judge

CONCUR:

Penny J. White, Associate Justice

William H. Inman, Senior Judge