

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

GARY W. HARDIN,	)	HENDERSON CHANCERY
	)	
Plaintiff-Appellee,	)	Hon. Joe E. Morris,
	)	Chancellor
vs.	)	
	)	NO. 02S01-9603-CH-00028
GREAT RIVERS EMPLOYMENT	)	
APTITUDE and TECHNICAL	)	
SERVICE, INC., ET AL	)	
	)	
Defendant-Appellant.	)	

**FILED**

**September 30, 1996**

**Cecil Crowson, Jr.**  
Appellate Court Clerk

For Appellant: \_\_\_\_\_ For Appellee: \_\_\_\_\_

William F. Kendall, III  
Robert B. Vandiver, Jr.  
Waltrop & Hall, P.A.  
Jackson, Tennessee

Larry S. Banks  
Brownsville, Tennessee

MEMORANDUM OPINION

Mailed:

Members of Panel:

\_\_\_\_\_ Justice Lyle Reid

Special Judge Joe C. Loser, Jr.

Special Judge Billy Joe White

AFFIRMED AS MODIFIED

White, Judge

This workers' compensation appeal has been referred to the Special Workers' Compensation Appeals Panel of the Supreme Court in accordance with Tennessee Code Annotated section 50-6-225 (e)(3) for hearing and reporting of findings of fact and conclusions of law. In this appeal, the employer contends that no notice was given by the employee. The panel concludes the judgment should be affirmed as modified.

On January 16, 1995, Plaintiff began working at Young Radiator Company as a welder. (T.T. at 16). Plaintiff testified that after he had been working for a period of three weeks, he experienced pain and numbness in his left hand. (T.T. at 17-18). Plaintiff went to see Dr. Charles White of his own accord on February 6, 1995, and paid for the visit through TennCare. (T.T. at 50, 18, 51).

Plaintiff testified that he continued to have pain and numbness in his hand and saw Dr. John Phillips on February 22, 1995. (T.T. at 22).

Dr. Neblett first saw Plaintiff on February 27, 1995. (Neblett Depo. at 3). Following Dr. Neblett's evaluation, Plaintiff elected to have carpal tunnel release surgery, which was performed on March 9, 1995. (Neblett Depo. at 5-6).

The Plaintiff testified that the pain started when he banged on metal and this was what he told his doctors. (T.T. at 61). He further testified, ". . . (b)ut I told them that I didn't know exactly, you know, if that was the cause or not, because I didn't know because I'm not a doctor." (T.T. at 61).

Casual connection between the injury and work was related to the employee on March 31, 1995 by Dr. Neblett. (T.R. at 58).

Written notice was provided to the employer on April 5, 1995.

This panel finds that notice was given within thirty (30) days of knowledge of his injury pursuant to T.C.A. § 50-6-201 and this case should be affirmed on this issue.

The appellee concedes that failure to prove the reasonableness and necessity of unpaid medical bills and the judgment should be modified in the amount of One Hundred Ninety-seven (\$197.00) Dollars.

This panel further finds the employee entitled to interest on all unpaid benefits until the judgment is satisfied.

Costs on appeal are taxed to the Defendant/Appellant.

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Billy Joe White, Special Judge

CONCUR:

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Lyle Reid, Justice

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Joe C. Loser, Jr., Special Judge