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

HOWARD F. STANLEY,	)	KNOX CHANCERY
	)	
Plaintiff/Appellant	)	NO. 03S01-9705-CH-00048
	)	
v.	)	HON. H. DAVID CATE,
	)	CHANCELLOR
SOUTH CENTRAL BELL,	)	
	)	
Defendant/Appellee	)	

For the Appellant:

Carl R. Ogle, Jr.
P. O. Box 129
Jefferson City, TN 37760

For the Appellee:

Reggie E. Keaton
P. O. Box 39
Knoxville, TN 37901

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

Members of Panel:

Justice Frank F. Drowota, III
Senior Judge William H. Inman
Special Judge Joe C. Loser, Jr.

AFFIRMED **INMAN, Senior Judge**

This workers' compensation appeal has been referred to the Special

Workers' Compensation Appeals Panel of the Supreme Court in accordance with T.C.A. § 50-6-225(e)(3) for hearing and reporting to the Supreme Court of findings of fact and conclusions of law.

The plaintiff filed a "Petition to Reopen" a workers' compensation case wherein the judgment was affirmed by the Supreme Court on March 26, 1990.

In the initial case, the Chancellor awarded the plaintiff benefits for a knee injury, a psychological disability, and vision loss.

This Petition was filed November 27, 1995. The plaintiff alleged that he continues to suffer from "depression and other psychological problems," for which he seeks additional benefits. He amended the petition to allege that a management plan instituted in the "mid-1970's" caused "stress and depression," which have gradually worsened.

The defendant answered generally, and specifically pleaded the bar of the Statute of Limitations presented by T.C.A. § 50-6-203 and T.C.A. § 50-6-224. Thereafter, the defendant filed a motion for summary judgment, alleging that the plaintiff's claim for workers' compensation benefits had been fully and finally adjudicated; that the plaintiff retired from Bell South on August 25, 1985, and thus was no longer an employee as defined by T.C.A. § 50-6-102(3); and that the benefits owing to the plaintiff as a consequence of his initial action were paid in a lump sum which, by statute, forecloses the issue pursuant to T.C.A. § 50-6-231.

The motion for summary judgment was granted and the plaintiff appeals. The issue is whether the case should have been resolved summarily.

We need not belabor the point. The plaintiff seeks benefits for some kind of incident that occurred *five (5) years before the knee injury* (then alleged

to have been the cause of all of his difficulties, and found by the trial court and Supreme Court to be the cause) occurred. The Statute of Limitations of one year bars this petition, T.C.A. § 50-6-203. Moreover, because the benefits were paid in a lump sum, the award was final and the petition must be dismissed on that ground also. T.C.A. § 50-6-231; *Underwood v. Zurich Ins. Co.,* 854 S.W.2d 94 (Tenn. 1993).

Finally, we observe that the plaintiff has pleaded no grounds under TENN. R. CIV. P. RULE 60 for modifying the previous award.

The judgment is affirmed at the costs of the appellant.

_____
William H. Inman, Senior Judge

CONCUR:

_____
Frank F. Drowota, III, Justice

_____
Joe C. Loser, Jr., Special Judge

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

HOWARD F. STANLEY,	)	KNOX CHANCERY
	)	NO. 87313-2
PLAINTIFF/APPELLANT,	)	
	)	HON. H. DAVID CATE,
v.	)	CHANCELLOR
	)	
SOUTH CENTRAL BELL,	)	S. CT. NO. 03S01-9705-CH-00048
	)	
DEFENDANT/APPELLEE.	)	AFFIRMED

FILED

April 14, 1998

Cecil Crowson, Jr.
Appellate Court Clerk

JUDGMENT

This case is before the Court upon motion for review pursuant to Tenn. Code Ann. § 50-6-225(e)(5)(B), 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 motion for review is not well taken and should be denied; 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 for which execution may issue if necessary.

It is so ordered this _____ day of _____, 1998.

PER CURIAM

DROWOTA, J. NOT PARTICIPATING