

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE  
WESTERN DIVISION

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CLAIMS COMMISSION  
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LACRETIA CROOMS,

Claimant,

v.

CLAIM NO. 30130798784

STATE OF TENNESSEE,

Defendant

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ORDER GRANTING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

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This matter came to be heard on *Defendant State of Tennessee's Motion for Summary Judgment, Defendant State of Tennessee's Statement of Undisputed Material Facts in Support of Motion for Summary Judgment, Defendant State of Tennessee's Memorandum in Support of Motion for Summary Judgment* and the entire record in this cause and from all of which the Commission finds as follows:

- 1) On July 12, 2013, Claimant, Loretia Croom, completed an Accident Report giving notice of an alleged work accident she had sustained on July 10, 2013.

- 2) The Accident Report is the form used exclusively by state employees in presenting claims for workers' compensation benefits.
- 3) As of July 2013 Claimant was employed by the State of Tennessee and was working as a patient account specialist at the UT Family Practice in Jackson, Tennessee.
- 4) The Claim for workers' compensation benefits was submitted to the State of Tennessee Division of Claims Administration in July 2013.
- 5) By letter dated September 24, 2013, a representative of Sedgwick Claims Management Service, Inc., the administrator of the State of Tennessee Workers' Compensation, Program advised Claimant her claim for workers' compensation benefits had been denied.
- 6) In the letter dated September 24, 2013, Claimant was advised that if she disagreed with the decision to deny her worker's compensation benefits she could either 1) request a Benefit Review Conference with the Department of Labor and Workforce Development or 2) bypass the Benefit Review Conference process and file a claim with the Claims Commission.
- 7) Claimant was specifically advised in the September 24, 2013, letter that regardless of the choice she made action must be taken within ninety (90) days of the date of the letter.
- 8) The September 24, 2013, letter was mailed to Loretia Croom, P. O. Box 443, Henderson, Tennessee, 38340 which was the address provided by Claimant in the accident report.
- 9) Claimant, Loretia Croom, next submitted a Request for Benefit Review Conference. The Request for Benefit Review Conference was signed by Claimant and dated February 26, 2014.

- 10) A Notice of Appeal and Complaint form were also completed by Claimant and filed with the Claims Commission. Both the Notice of Appeal and Complaint form were signed by Loretia Croom on April 24, 2014, and filed with the Claims Commission on April 25, 2014.
- 11) Claimant did not file either the Request for Benefit Review Conference with the Department of Labor and Workforce Development or the Complaint with the Claims Commission within ninety (90) days from September 24, 2013.
- 12) In its Motion for Summary Judgment filed on June 29, 2015, Defendant maintains Claimant's claim was not timely filed pursuant to either Tenn. Code Ann. § 9-8-402(c) or § 9-8-402(d)(1) and is, therefore, barred by the applicable statute of limitations.
- 13) Tenn. Code Ann. § 9-8-402(c) which is generally applicable to claims filed with the division of claims provides:

If the claim is denied, the division (meaning division of claims administration) shall so notify the claimant and inform the claimant of the reasons therefor and of the claimant's right to file a claim with the claims commission within ninety (90) days of the date of the denial notice.
- 14) Tenn. Code Ann. § 9-8-402(d)(1), which deals specifically with worker's compensation claims states:

Notwithstanding subsection (c) or any other law to the contrary, if the division (meaning division of claims administration) denies the compensability of a worker's compensation claim, the division shall so notify the claimant and inform the claimant of the reasons for the denial, and of the claimant's right to request an alternate dispute resolution (previously referred to as a benefit review conference), pursuant to § 50-6-239, within ninety (90) days from the date of the denial notice.

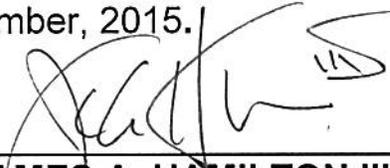
15) Rule 0310-1-1-.01(5) of the Rules of the Tennessee Claims Commission provide that "(c) Each party opposing a motion shall serve and filed a response no later than (15) days after service of the motion, except that in case of motions for summary judgment the time shall be thirty (30) days after service of the month. Failure to file a response shall indicate that there is no opposition to the motion."

16) Claimant has not filed a response to Defendant's Motion for Summary Judgment.

17) It appears there is no genuine issue as to any material fact.

The Commission **FINDS** there is no genuine issue as to any material fact and that Claimant failed to timely comply with either Tenn. Code Ann. § 9-8-402(c) or § 9-8-402(d)(1), therefore, Defendant's Motion for Summary Judgment should be and is hereby **GRANTED**.

This the 12<sup>TH</sup> day of November, 2015.

  
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**JAMES A. HAMILTON III**  
**COMMISSIONER**

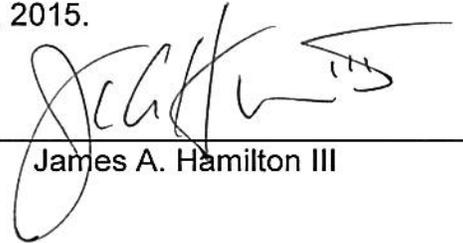
CERTIFICATE

I certify that a true and exact copy of the foregoing Order has been mailed  
to:

Lacretia Croom  
23 Omar Circle  
Jackson, TN 38301

Rebecca P. Tuttle, Esq.  
Associate Attorney General  
The University of Tennessee  
Office of General Counsel  
66 N. Pauline St., Suite 428  
Memphis, TN 38163

This the 12<sup>th</sup> day of November, 2015.



James A. Hamilton III