

Larry Butler v. AAA Cooper Transportation

Facts

Larry Butler, a truck driver for AAA Cooper Transportation (“AAA”), suffered injuries when he was involved in an accident while driving his truck. Mr. Butler recalled that he felt “normal” and was not tired, ill, or distracted just before the accident, although he did acknowledge he had some fatigue and dizziness prior to the accident. He had no explanation for why the accident occurred. AAA submitted video from inside the cab of Mr. Butler’s truck that appears to show him slumped over in the driver’s seat moments before the crash. AAA denied the claim on the basis Mr. Butler willfully failed to perform a duty he was obligated by law to perform, i.e., remain alert and able to safely operate his truck and obey the rules of the road.

Trial Court Action

The trial court found there was no evidence that Mr. Butler had willfully failed to perform any duty required of him and ordered AAA to provide medical benefits.

Primary Issues on Appeal

1. Whether the trial court interpreted the word “willful” as used in Tennessee Code Annotated section 50-6-110(a)(5) too narrowly in finding AAA had not established its defense of willful failure to perform a duty required by law.
2. Whether the trial court erred in finding AAA was unlikely to succeed at trial in establishing its defense of willful failure to perform a duty required by law.

Pertinent Statutory Language

Tennessee Code Annotated section 50-6-102(14)(A): “Injury” and “personal injury” mean an injury by accident . . . arising primarily out of and in the course and scope of employment, that causes death, disablement or the need for medical treatment of the employee; provided that[] [a]n injury is “accidental” only if the injury is caused by a specific incident . . . arising primarily out of and in the course and scope of employment, and is identifiable by time and place of occurrence . . . [.]”

Tennessee Code Annotated section 50-6-110(a)(5): “No compensation shall be allowed for an injury or death due to . . . [the] employee’s willful failure to perform a duty required by law.”

AAA’s Argument

AAA argues that Mr. Butler willfully drove his truck after feeling fatigued and dizzy in violation of law applicable to truck drivers as well as law applicable to the rules of the road and that, as a result, he is not entitled to workers’ compensation benefits.

Mr. Butler's Argument

Mr. Butler argues that his injuries cannot be said to have been caused by an intentional or willful act as he did not voluntarily lose consciousness or lose control of his truck. Mr. Butler contends that he did not feel impaired and that there was no violation of any duties he was required to perform by law.