



**TENNESSEE BUREAU OF WORKERS' COMPENSATION  
WORKERS' COMPENSATION APPEALS BOARD**

Charles R. Goodwin	)	Docket No. 2017-03-1235
	)	
v.	)	State File No. 80097-2017
	)	
Morristown Driver's Services, Inc., et al.	)	
	)	
	)	
Appeal from the Court of Workers'	)	
Compensation Claims	)	
Lisa A. Lowe, Judge	)	

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**Reversed and Remanded**

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In this interlocutory appeal, the employer challenges the trial court's denial of its motion for summary judgment, which was based on the election of remedies doctrine. The employee, a Georgia resident, alleged injuries as a result of a work-related motor vehicle accident that occurred in Tennessee. The Tennessee employer filed a Tennessee First Report of Injury and paid for the employee's emergency medical care in Tennessee, but subsequently denied benefits based on a dispute as to causation. The employee retained counsel and filed a claim for workers' compensation benefits in Georgia. After conducting extensive discovery in the Georgia claim, the employee filed a petition for benefits in Tennessee but continued to pursue his claim in Georgia. Following a hearing before the Georgia State Board of Workers' Compensation, the claim was dismissed for lack of subject matter jurisdiction. After the employee filed an amended petition seeking benefits in Tennessee, the employer filed a motion for summary judgment asserting the employee's Tennessee claim was barred because he had made a binding election of remedies by pursuing his claim in Georgia. Concluding that the Georgia dismissal did not address the merits of the employee's claim, the trial court denied the employer's motion. The employer has appealed. Having carefully reviewed the record, we reverse the trial court's decision and remand the case for entry of an order granting the employer's motion for summary judgment.

Judge David F. Hensley delivered the opinion of the Appeals Board in which Presiding Judge Marshall L. Davidson, III, joined, concurring separately. Judge Timothy W. Conner dissented.

Daniel I. Hall and Brian Rife, Bristol, Tennessee, for the employer-appellant, Morristown Driver's Services, Inc.