

IN THE SUPREME COURT OF TENNESSEE  
SPECIAL WORKERS' COMPENSATION APPEALS PANEL  
AT KNOXVILLE  
March 15, 2001 Session

**RONALD SCOTT REVIS v. ROANE COUNTY, TENNESSEE, ET AL.**

**Direct Appeal from the Circuit Court for Roane County  
No. 11574 Russell E. Simmons, Jr., Circuit Judge**

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**No. E2000-01709-WC-R3-CV - Mailed - May 1, 2001  
FILED: SEPTEMBER 5, 2001**

This workers' compensation appeal has been referred to the Special Workers' Compensation Appeals Panel of the Supreme Court in accordance with Tenn. Code Ann. § 50-6-225(e)(3) for hearing and reporting to the Supreme Court of findings of fact and conclusions of law. The trial court dismissed the complaint finding the injury did not arise out of and in the course of employment. On appeal it was determined the injury arose out of employment but did not occur in the course of employment. Judgment of the trial court is affirmed.

**Tenn. Code Ann. § 50-6-225(e) (1999) Appeal as of Right; Judgment of the Circuit Court is Affirmed**

THAYER, SP. J., delivered the opinion of the court, in which ANDERSON, C. J. and BYERS, SR. J., joined.

Rebecca L. Hicks, Dayton, Tennessee, for the Appellant, Ronald Scott Revis.

Michael K. Atkins, Knoxville, Tennessee, for the Appellees, Roane County, Tennessee, and Roane County Emergency Medical Services.

**OPINION**

This appeal presents a question of whether the employee's injury arose out of and in the course of his employment. The trial court found the injury did not so occur and dismissed the complaint.

**Undisputed Facts**

The employee, Ronald Scott Revis, was employed by Roane County Emergency Medical Service as a paramedic having worked for this agency for about ten years. When working, he was generally on duty for a twenty-four hour period and then off for a period of forty-eight hours. He

was also employed as a paramedic for the Rhea County emergency service which apparently did not conflict with his work hours for Roane County.

During the later part of November 1996, the employee was served with a subpoena to testify in a case pending in the Circuit Court at Knoxville regarding certain events in connection with his transportation of a child as a patient by the Roane County ambulance service. The subpoena also instructed him to bring certain records maintained of the event.

December 4, 1996, the day he appeared in court to testify, was not a workday with his employer, Roane County Emergency Medical Service, but he had worked on December 3<sup>rd</sup> for the Rhea County agency and got off early on the morning of December 4<sup>th</sup>. He arrived in Knoxville about 9:00 a.m. and left about 12 noon. On this trip, he drove his own vehicle and was not reimbursed for any expense by his employer but did receive some compensation from the attorney who had issued the subpoena. On the return trip to his home in Spring City, Tennessee, he was involved in an automobile accident with another vehicle where he sustained personal injuries. On cross-examination he stated the accident occurred as he approached Spring City.

### **Issue on Appeal**

The sole issue on appeal is whether the injury arose out of and in the course of the employment relationship.

### **General Rules of Compensability**

In a worker's compensation action, the employee must establish by a preponderance of the evidence every element of the case, including the existence of a work-related injury by accident. *Hill v. Eagle Bend Mfg., Inc.*, 942 S.W.2d 483 (Tenn. 1997). An employee's right to recover benefits is based upon a finding that the injury "arose out of" and was "in the course of" employment. Tenn. Code Ann. § 50-6-103(a). The phrases "arising out of" and "in the course of" are not synonymous but embody distinct concepts which are primarily basic to liability under the Workers' Compensation Law. *Knox v. Batson*, 399 S.W.2d 765 (Tenn. 1966). "Arising out of" refers to cause or origin. An accident arises out of employment when it is apparent to the rational mind upon consideration of all circumstances that there is a casual connection between work required to be done and the resultant injury. *Sandlin v. Gentry*, 300 S.W.2d 897 (Tenn. 1957). "In the course of" refers to time and place. An accident is "in the course of" employment if it occurs while the employee was performing a duty the employee was employed to do. *Travelers Ins. Co. v. Googe*, 397 S.W.2d 368 (Tenn. 1965).

### **Analysis**

The first question we must deal with is whether the injury arose out of the employment relationship. Generally, this requirement is satisfied if the injury has a rational connection to the employee's work duties. In the present case the employee drove to Knoxville to testify in court as a direct result of his official duties as a paramedic with the Roane County Emergency Medical

Service. Had it not been for his employment, he would not have made the trip to Knoxville on the day in question. Therefore, we conclude the first requirement has been satisfied and that the injury arose out of his employment.

The second question is whether the injury was sustained in the course of his employment. This refers to time and place. On the day in question, the employee was not working as it was his day off. He drove his own vehicle to Knoxville and back and did not receive any reimbursement or compensation from his employer for the trip. He was not required to appear and testify in court by his employer but was compelled to make the trip by reason of a private attorney issuing a subpoena. He was not at work or on a mission for his employer when the accident occurred and we do not think it could be said that his official duties required him to appear and testify in court.

The employer contends that even if the appearance in court could be construed to be in the course of his employment, he would not be entitled to recover since the injury was sustained while he was returning to his home.

Generally, employees injured while en route to or from work are not entitled to benefits because they have not reached their duty station or place of employment. *Woods v. Warren*, 548 S.W.2d 651 (Tenn. 1977); *Smith v. Royal Globe Ins. Co.*, 551 S.W.2d 679 (Tenn. 1977).

The employee argues there are recognized exceptions to the going to work and returning from work rule and cites the case of *McCammon v. Neubert*, 651 S.W.2d 702 (Tenn. 1983). It is insisted the facts of the present case fall within these exceptions.

We are of the opinion that while the injury in question did arise out of the employment relationship with the emergency services agency, it did not occur in the course of the employment. Therefore, the claim is not compensable. Since we have concluded the travel to Knoxville to testify in court was not in the course of employment, we do not actually reach the question of whether the general rule of going to and coming from work has application or whether the facts of the case justify application of a recognized exception to the rule. In other words, the going to and coming from work rules, etc. contemplate going to or leaving a work station.

The judgment of the trial court is affirmed. Costs of the appeal are taxed to the employee.

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ROGER E. THAYER, SPECIAL JUDGE

**IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE**

**RONALD SCOTT REVIS, Applicant v.  
ROANE COUNTY, TENNESSEE, et al., Respondents**

**Roane Circuit, No. 11574  
Russell E. Simmons, Jr., Judge**

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**No. E2000-01709-WC-WCM-CV  
Filed: September 5, 2001**

**JUDGMENT**

This case is before the Court upon Applicant's 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 assessed to Ronald Scott Revis for which execution may issue if necessary.

**PER CURIAM**

Anderson, C.J., not participating