

IN THE SUPREME COURT OF TENNESSEE  
SPECIAL WORKERS' COMPENSATION PANEL  
KNOXVILLE, APRIL 1996 SESSION

**FILED**

**July 31, 1996**

**Cecil Crowson, Jr.**  
Appellate Court Clerk

VICKIE LEE PATTERSON	)	GREENE CHANCERY
	)	
Plaintiff-Appellant	)	
	)	
v.	)	03S01-9507-CH-00082
	)	
BTR DUNLOP, INC., d/b/a	)	
HUYCK-FORMEX	)	HON. DENNIS H. INMAN,
	)	CHANCELLOR
Defendant-Appellee	)	

For the Appellant:

Robert Payne Cave  
104 North College Street  
Greeneville, TN 37743

For the Appellee:

Pamela L. Reeves  
P. O. Box 131  
Knoxville, TN 37901

MEMORANDUM OPINION

Members of Panel:

Riley Anderson, Chief Justice, Supreme Court  
John K. Byers, Senior Judge  
Houston M. Goddard, Special Judge

AFFIRMED AND REMANDED

GODDARD, Special Judge



O P I N I O N

The question presented by this appeal is whether the Trial Court was in error in finding that Vickie Lee Patterson did not show by a preponderance of the evidence that she had an "increase . . . of incapacity" since a November 1991 workers' compensation judgment. The earlier judgment was based upon a finding that as a result of carpal tunnel syndrome Mrs. Patterson had sustained a 65 percent vocational disability to her left arm and 45 percent to her right.

This case was filed pursuant to T.C.A. 50-6-231, which allows re-opening of compensation awards under certain circumstances.

Upon our review of this record we find that at the most Mrs. Patterson has suffered an increase in pain since the previous award, but that she has not experienced any significant increased incapacity. Cross-examination of her in the case presently on appeal (see appendix) clearly shows that the things she says she is now unable to do are almost the exact same things she testified she was unable to do at the former hearing.

For the foregoing reasons the judgment of the Trial Court is affirmed and the cause remanded for collection of costs below. Costs of appeal are adjudged against Mrs. Patterson and her surety.

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Houston M. Goddard, Special Judge

CONCUR:

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Riley Anderson, Chief Justice

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John K. Byers, Senior Judge

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AT KNOXVILLE

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VICKIE LEE PATTERSON,  
Plaintiff-Appellant,

) GREENE CHANCERY  
) No. 91-56

v.

) No.03S01-9507-CH-00082

BTR DUNLOP, INC., D/B/A  
HUYCK-FORMEX.

) Hon. Dennis H. Inman,  
) Chancellor

Defendant-Appellee.

) AFFIRMED AND REMANDED  
)

JUDGMENT ORDER

This case is before the Court upon 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 Memorandum Opinion of the Panel should be accepted and approved; and

It is, therefore, ordered that the Panel's findings of facts and conclusions of law are adopted and affirmed, and the decision of the Panel is made the Judgment of the Court.

Costs on appeal are taxed to the appellant, Vickie Lee Patterson, and surety, Kenneth Lee Patterson, for which execution may issue.

07/31/96

