

IN THE SUPREME COURT OF TENNESSEE
SPECIAL WORKERS' COMPENSATION PANEL
AT NASHVILLE

FILED

June 20, 1996

Cecil Crowson, Jr.
Appellate Court Clerk

BETTY JO CLEGHORN,)
)
Plaintiff/Appellant)
)
v.)
)
SUBURBAN HOME HEALTH, INC.,)
)
Defendant/Appellee)

DAVIDSON CHANCERY
Hon. Claudia C. Bonnyman
Special Chancellor
NO. 01S01-9510-CH-00178
(No. 93-3449-III Below)

For the Appellants:

Mary Leech
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For the Appellee:

Raymond S. Leathers
Gracey, Ruth, Howard, Tate
& Howell
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Nashville, TN 37201

MEMORANDUM OPINION

Members of Panel:

Justice Frank F. Drowota, III
Senior Judge John K. Byers
Special Judge Roger E. Thayer

**AFFIRMED
AND REMANDED**

BYERS, Senior Judge

_____ 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 held that the plaintiff had not met her burden of proving that she sustained a permanent vocational disability as a result of her work-related injury. Plaintiff appeals, asserting that the evidence does not support the trial court's judgment.

We affirm the judgment of the trial court.

No transcript of the evidence was filed. The evidence available for our review consists of the medical depositions offered in the trial court and their attendant exhibits. The medical evidence, taken as a whole, supports the judgment of the trial court.

Our standard of review is *de novo* on the record accompanied by the presumption that the findings of fact by the trial court are correct. TENN. CODE ANN. § 50-6-225(e)(2) Where no transcript of the evidence is filed, the appellate courts will conclusively presume that every fact admissible under the pleadings was found in favor of the appellee. *Wilson v. Hafley*, 189 Tenn. 598, 226 S.W.2d 308, 311 (1949); *Hollingsworth v. Safeco Ins. Cos.*, 782 S.W.2d 477, 479 (Tenn. App. 1989).

Upon the record in this case, we can only find that the evidence does not preponderate against the judgment of the trial court. We affirm the judgment and the costs are taxed to the plaintiff/appellant. We remand the case to the trial court.

John K. Byers, Senior Judge

CONCUR:

Frank F. Drowota, III, Justice

Roger E. Thayer, Special Judge