

FILED

08/08/2023

Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON
April 20, 2023 Session¹

**CITY OF MEMPHIS v. THE PENSION BOARD OF THE CITY OF
MEMPHIS, ET AL.**

**Appeal from the Chancery Court for Shelby County
No. CH-19-1273 Gadson W. Perry, Chancellor**

No. W2022-01065-COA-R3-CV

This appeal arises out of the chancery court’s affirmation of the decision of the administrative law judge granting a Line of Duty Disability (“LODD”) pension to a Memphis Firefighter. The appeal hinges on a question of law concerning the meaning of Memphis Code of Ordinances § 25-1(27), which states that an employee is eligible for a LODD pension if:

[A] physical . . . condition arising as the direct and proximate result of an accident sustained by a participant, . . . while in the actual performance of duties for the city at some definite time and place . . . which totally and permanently prevents him or her from engaging in the duties for which he or she was employed by the city. **The determination of the line-of-duty disability of a participant shall be made on medical evidence by at least two qualified physicians.**

City of Memphis Code of Ordinances, § 25-1(27) (emphasis added).

Three qualified physicians testified, but only one of them found that both factors were established. In ruling in favor of the firefighter, the administrative law judge and the chancellor both held that it was not necessary that each qualified physician state that the injuries were caused while in the actual performance of duties for the City at a definite place and time and that he was permanently disabled from continuing in his chosen role as a consequence of that injury. The City of Memphis insists that this was error, contending that “the ordinance clearly requires at least two physicians to opine that the employee sustained a work-related injury *which* caused his/her disability.” Based on the plain language of the ordinance, we agree with the City’s interpretation of the evidentiary requirements for a LODD pension; we therefore reverse and remand with instructions to

¹ Oral argument was heard on the campus of Bethel University in McKenzie, Tennessee.

reinstate the decision of the Pension Board of the City of Memphis, which denied the application for a LODD pension.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court
Reversed and Remanded**

FRANK G. CLEMENT, JR., P.J., M.S., delivered the opinion of the court, in which J. STEVEN STAFFORD, P.J., W.S., and CARMA DENNIS MCGEE, J., joined.

Sharon L. Petty, Memphis, Tennessee, for the appellant, City of Memphis.

Kevin A. Snider, Brent A. Rose, and William R. Faulk, Germantown, Tennessee, for the appellee, Brian Buchanan.

OPINION

FACTS AND PROCEDURAL HISTORY

Brian Buchanan (“Mr. Buchanan”) joined the Memphis Fire Department (“MFD”) in October 2007. Although he experienced some difficulties with his back over the years that included degenerative changes,² he was able to perform his duties as a firefighter paramedic until he suffered a work-related injury on November 13, 2016, while pulling a fire hose during a response to a house fire. After immediately experiencing low back pain, he was taken from the scene of the fire by ambulance to the hospital.

Dr. Samuel Murrell began treating Mr. Buchanan on December 9, 2016. Dr. Murrell reviewed the MRI that had been done in conjunction with his initial stay at the hospital, which showed that Mr. Buchanan “had a broad-based disc bulge or protrusion as well as osteophytic changes, which created some narrowing of the foramen on the left side.” After reviewing the MRI results, Dr. Murrell ordered an EMG study, the results of which were normal. He then ordered an updated MRI, which, as before, showed degenerative disc disease. Based on these reports, Dr. Murrell ordered treatment that included an epidural and physical therapy. Because Mr. Buchanan continued to experience back and leg pain, and numbness in his feet, Dr. Murrell ordered a Functional Capacity Exam (“FCE”). The FCE showed that Mr. Buchanan should be placed on permanent medium work restrictions.

Based on the tests he had ordered and his physical examinations of Mr. Buchanan, Dr. Murrell told Mr. Buchanan that “he felt the symptoms were primarily underlying

² Mr. Buchanan’s conditions related to his back were chronic lumbosacral strain and a herniated disc at L-5 that was contacting the nerve root. He experienced two other injuries to his back, one in 2010 and the other in 2015, while he was working as a firefighter paramedic for the City, and both were treated as compensable on-the-job injuries.

degenerative changes and that [Dr. Murrell] was unable to identify a discrete injury which would associate with his November 13, 2016 injury.” Dr. Murrell also concluded that Mr. Buchanan was completely and totally disabled from his job as a firefighter paramedic, but that disability did not occur as a result of the injury he sustained at work on November 13, 2016. Dr. Murrell reported these findings to Mr. Buchanan as well as Genex, the City’s third-party administrator for disability claims.

After receiving Dr. Murrell’s report, Genex sent Mr. Buchanan’s records to Dr. Harry Friedman for an independent medical exam (“IME”). After reviewing Mr. Buchanan’s medical records, including Dr. Murrell’s records and report, Dr. Friedman performed his IME of Mr. Buchanan on June 29, 2017. As a result, Dr. Friedman rendered a diagnosis that included chronic lumbosacral strain, degenerative disc disease at L5-S1 and pain due to injury. Dr. Friedman also noted that “symptoms are a result of the injury but he is capable of performing work as evidenced on his FCE.” Further, Dr. Friedman opined that Mr. Buchanan was not permanently and totally disabled from performing his duties as a firefighter paramedic, but that the injury was caused by his employment with the City.

Because of the disparities between the reports and conclusions reached by Dr. Murrell and Dr. Friedman, Genex determined that a second IME was necessary based on the City’s LODD protocol and ordinances. As a consequence, Mr. Buchanan was referred to Dr. Sam Schroerlucke for another IME, which was performed on August 9, 2017.

After noting that Mr. Buchanan has degenerative disc disease and pain related to the work injury, Dr. Schroerlucke recommended permanent medium work restrictions per the FCE, but opined that the restrictions were necessitated by his underlying degenerative changes and not because of the November 13, 2016 injury. Dr. Schroerlucke further noted that Mr. Buchanan has an underlying condition and that he is unable to find any new abnormalities based on the MRI scans. More specifically, Dr. Schroerlucke noted that “we have no objective findings to definitively say that his work caused his injury.” Dr. Schroerlucke’s final assessment of Mr. Buchanan was similar to that of Dr. Murrell, that he was permanently and totally disabled from performing his duties as a firefighter paramedic, but that his condition was not caused by his employment with the City of Memphis.

Upon consideration of the three physicians’ reports, the Pension Board approved Mr. Buchanan for an Ordinary Disability pension but denied his application for a LODD pension. This decision was based on the fact that there were not two physicians who certified that Mr. Buchanan was both disabled and unable to perform his job, and that the disability arose from an injury sustained at a definite time and place while performing his job for the City.

Being dissatisfied with the decision, Mr. Buchanan requested a contested case

hearing before the Pension Board of the City of Memphis, and the case was assigned to Administrative Law Judge George Brown for hearing.

The parties appeared before Judge Brown on June 19, 2019, for the administrative hearing to determine whether Mr. Buchanan should be awarded a LODD pension. The deposition testimony of three qualified physicians—Dr. Murrell, Dr. Friedman and Dr. Schroerlucke—was admitted into evidence without objection.

Briefly summarized, Dr. Murrell and Dr. Schroerlucke testified that while Mr. Buchanan was permanently and totally disabled from performing his duties as a firefighter paramedic based on lifting (weight) restrictions, they were not of the opinion that his disability was the direct and proximate result of the November 13, 2016 incident. Nevertheless, when asked whether the November 13, 2016 on-the-job injury “initiated the causative [chain] in disabling him from his job as a firefighter/paramedic,” Dr. Murrell answered, “I think that’s a significant factor, yes.”³ As for Dr. Friedman, he testified that Mr. Buchanan sustained an injury as a direct and proximate result of the November 13, 2016 incident; however, in his opinion, Mr. Buchanan was not totally and permanently disabled from performing his duties as a firefighter paramedic.⁴

The City’s principal argument was and remains that, pursuant to the City of Memphis Code of Ordinances, an employee must clear two hurdles in the opinions of at least two qualified physicians to be eligible for a LODD pension. The burden is to establish: (1) that the disability was caused by some definite and identifiable work-related injury, and (2) the work-related injury rendered the employee permanently and totally disabled from performing his job functions for the City as a result.

The City also contended that the medical evidence, which is limited to the testimony of three qualified physicians, Dr. Murrell, Dr. Friedman, and Dr. Schroerlucke, is uncontroverted. Based on the physicians’ written reports, LODD checklists, opinions, and deposition testimony, the City contended that Mr. Buchanan did not have “medical evidence by at least two qualified physicians” who *each* opined that he has a permanent and total disability which resulted from his employment with the City as required by City Ordinances § 25-1(27).

Mr. Buchanan disagreed with the City’s argument that the ordinance requires that

³ Dr. Murrell also stated that Mr. Buchanan’s preexisting low back conditions had not, to his knowledge, prevented him from performing his duties with the City prior to the November 13, 2016 injury. He further indicated that it would be impossible to determine when, if ever, Mr. Buchanan’s preexisting issues would have disabled him from work in the absence of the November 13 on-the-job injury.

⁴ Dr. Friedman also testified that Mr. Buchanan’s condition was caused by his employment as a firefighter paramedic with the City, but Dr. Friedman could not state that the back condition was a direct and proximate result of the November 13, 2016 incident.

each physician state that both Mr. Buchanan’s injuries were caused by his service with the city and that he was permanently disabled from continuing in his chosen role.

Following a hearing on June 19, 2019, Judge Brown ruled that Mr. Buchanan was eligible for a LODD pension. Specifically, Judge Brown held that Mr. Buchanan had “proven by a preponderance of evidence that he meets the requirements of City of Memphis Code of Ordinances, Section 4-4-1, A. 27 and is entitled to a [LODD] pension as defined in the City of Memphis Code of Ordinances.” He also ordered the City “to convert [Mr. Buchanan’s] Ordinary Disability pension to a [LODD] pension and to make this conversion retroactive to the application date of April 21, 2017.”

The City responded by filing a petition for judicial review. Following a hearing, the chancellor entered an order in which he made the following findings of fact:

1. On November 13, 2016, Respondent Brian Buchanan, a Firefighter Paramedic employed by the City’s Fire Division, suffered an on-the-job injury to his back while pulling a fire hose during a response to a house fire.
2. Buchanan applied for LODD benefits on April 21, 2017 but was denied on October 3, 2017 on the basis of ineligibility because the application was not supported by statements of two qualified physicians who each opined that Buchanan was permanently and totally disabled and that his disability resulted from a definite and specific in time on the job injury.
3. Two of the physicians, Dr. Sam Murrell and Dr. Sam Schroerlucke, opined that while Buchanan was permanently and totally disabled the disability was not a result of his employment with the City; and the third physician, Dr. Harry Friedman, opined that while Buchanan’s injury did result from his employment with the City, he was not, in fact, totally and permanently disabled from his position as a Firefighter Paramedic.
4. Buchanan timely appealed the adverse decision by the Pension Board which was assigned to Administrative Law Judge George Brown for a hearing on the merits of the case.
5. A hearing was held before Administrative Law Judge George Brown on June 19, 2019 pursuant to the procedures of the Tennessee Uniform Administrative Procedures Act. The ALJ found that Respondent Buchanan’s line of duty disability was based, in part, on the medical evidence provided by three qualified physicians: Dr. Sam Murrell, Dr. Harry Friedman, and Dr. Sam Schroerlucke[.]

6. The ALJ determined that the Respondent, Brian Buchanan, became disabled from his job as a Firefighter/Paramedic according to City of Memphis Code of Ordinances, Section 4-4-1, A.27 as a direct and proximate result of his November 13, 2016 work-related injury while in the actual performance of his duties, without willful negligence on his part, and while a participant in the City of Memphis.

After quoting Sections 25-1(27) and 25-1(37) of the City of Memphis Code of Ordinances, the chancellor made the following conclusions of law:

9. This Court agrees with the ALJ's ruling and specifically determines that said ruling was not arbitrary, not capricious and did not contain any clear error of judgment.

10. The [City] avers that the ruling is improper essentially based upon the [City's] *interpretation* (emphasis in order) of Section 25-1(27) of the City of Memphis Code of Ordinances by requiring two (2) physicians to *each* (emphasis in order) state that there was a permanent and total disability and the disability resulted from his employment with the City.

11. The Court disagrees with the argument presented by the [City] in that Section 25-1(27) of the City of Memphis Code of Ordinances expressly states — in pertinent part — that “The determination of the line-of-duty disability of a participant shall be made on medical evidence by at least two qualified physicians.” As such and applying the plain language of the Ordinance, there is no requirement that *each* (emphasis in order) physician state both of these items. To the contrary and based upon the plain language of the Ordinance, it is based upon all of the medical evidence which is what the ALJ considered. Equally important, the [City] has not cited to a single court case that interprets the Ordinance as alleged by the [City].

Based on the foregoing, the chancellor denied the City's petition and affirmed the decision of the administrative law judge.

This appeal followed.

ISSUES

The issues presented by the City read as follows:

1. Whether the Chancery Court erred in finding that the decision of the Administrative Law Judge (“ALJ”) was not arbitrary, not capricious and did not contain any clear error of judgment?

2. Whether the Chancery Court’s order violates and misapplies City of Memphis Code of Ordinances § 25-1(27)?

3. Whether the decision of the Chancery Court in upholding the decision of the ALJ in this case is a clear error of judgment demonstrating that the decision is arbitrary and capricious?

The issues as stated by Mr. Buchanan read as follows:

1. Whether the lower courts correctly interpreted City of Memphis Code of Ordinances § 25-1(27) in finding that Mr. Buchanan qualifies for “Line of Duty Disability Pension.”

2. Whether the lower courts correctly found that the decision of the Administrative Law Judge George Brown was not arbitrary, not capricious, and did not contain any clear error of judgement.

STANDARD OF REVIEW

“Unlike the ‘broad standard of review used in other civil appeals,’ the UAPA provides a more narrowly circumscribed standard.” *Moss v. Shelby Cnty. Civil Serv. Merit Bd.*, 665 S.W.3d 433, 440 (Tenn. 2023) (quoting *Tenn. Dep’t of Corr. v. Pressley*, 528 S.W.3d 506, 512 (Tenn. 2017) (citing *Davis v. Shelby Cnty. Sheriff’s Dep’t*, 278 S.W.3d 256, 263–64 (Tenn. 2009))). Reviewing courts may only reverse, remand, or modify civil service merit board decisions “for errors that affect the merits of such decision.” Tenn. Code Ann. § 4-5-322(i). “[A]s opposed to the broader standard of review applied in other appeals,” the UAPA’s standard of review “reflects the general principle that courts should defer to decisions of administrative agencies when they are acting within their area of specialized knowledge, experience, and expertise.” *StarLink Logistics Inc. v. ACC, LLC*, 494 S.W.3d 659, 669 (Tenn. 2016) (citations omitted).

Under that standard of review:

The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if the rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the agency;
- (3) Made upon unlawful procedure;

- (4) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
- (5)(A) Unsupported by evidence that is both substantial and material in the light of the entire record.

(B) In determining the substantiality of evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

Moss, 665 S.W.3d at 440 (quoting Tenn. Code Ann. § 4-5-322(h)).

“A decision of an administrative agency is arbitrary or capricious when there is no substantial and material evidence supporting the decision.” *StarLink Logistics*, 494 S.W.3d at 669 (citations omitted). “A decision with evidentiary support can be arbitrary or capricious if it amounts to a clear error in judgment.” *StarLink Logistics*, 494 S.W.3d at 669 (citing *City of Memphis v. Civ. Serv. Comm’n of Memphis*, 216 S.W.3d 311, 316 (Tenn. 2007)), and “is not based on any course of reasoning or exercise of judgment, or . . . disregards the facts or circumstances of the case without some basis that would lead a reasonable person to reach the same conclusion.” *Id.* at 669–70 (alteration in original) (quoting *Civ. Serv. Comm’n of Memphis*, 216 S.W.3d at 316).

The interpretation of an ordinance is a question of law, and courts must review the interpretation of ordinances pursuant to the *de novo* standard. *See Northshore Corridor Ass’n v. Knox Cnty.*, 633 S.W.3d 561, 582 (Tenn. Ct. App. 2021); *City of Cleveland v. Wade*, 206 S.W.3d 51, 56 (Tenn. Ct. App. 2006) (“The interpretation of an ordinance is a question of law.”). Moreover, “[t]he rules of statutory interpretation are used when interpreting an ordinance.” *Gleaves v. Checker Cab Transit Corp., Inc.*, 15 S.W.3d 799, 802 (Tenn. 2000) (citations omitted). “Construction of a statute is a question of law which we review *de novo*, with no presumption of correctness.” *Id.* (quoting *Myint v. Allstate Ins. Co.*, 970 S.W.2d 920, 924 (Tenn. 1998)).

ANALYSIS

The dispositive issue in this appeal hinges on a question of law concerning the interpretation of Memphis Code of Ordinances § 25-1(27).

The interpretation of an ordinance, like a statute, is a question of law, which we review *de novo* without any presumption of correctness. *See Tidwell v. City of Memphis*, 193 S.W.3d 555, 559 (Tenn. 2006); *see also Gleaves*, 15 S.W.3d at 802. “[T]he rules of statutory interpretation are used when interpreting an ordinance.” *Gleaves*, 15 S.W.3d at 802; *see also Tenn. Mfd. Hous. Ass’n v. Metro. Gov’t. of Nashville*, 798 S.W.2d 254, 260 (Tenn. App. 1990); *Carroll Blake Constr. Co. v. Boyle*, 140 Tenn. 166, 181, 203 S.W. 945,

948 (1918).

As the Tennessee Supreme Court has explained:

When dealing with statutory interpretation, well-defined precepts apply. Our primary objective is to carry out legislative intent without broadening or restricting the statute beyond its intended scope. In construing legislative enactments, we presume that every word in a statute has meaning and purpose and should be given full effect if the obvious intention of the General Assembly is not violated by so doing. When a statute is clear, we apply the plain meaning without complicating the task. Our obligation is simply to enforce the written language. It is only when a statute is ambiguous that we may reference the broader statutory scheme, the history of the legislation, or other sources. Further, the language of a statute cannot be considered in a vacuum, but should be construed, if practicable, so that its component parts are consistent and reasonable. Any interpretation of the statute that would render one section of the act repugnant to another should be avoided.

In re Est. of Tanner, 295 S.W.3d 610, 613–14 (Tenn. 2009) (internal citations omitted).

The ordinance states that an employee of the City of Memphis is eligible for a LODD pension if:

[A] physical . . . condition arising as the direct and proximate result of an accident sustained by a participant, . . . while in the actual performance of duties for the city at some definite time and place . . . which totally and permanently prevents him or her from engaging in the duties for which he or she was employed by the city. **The determination of the line-of-duty disability of a participant shall be made on medical evidence by at least two qualified physicians.**

City of Memphis Code of Ordinances, § 25-1(27) (emphasis added).

Three physicians testified, and there is no dispute as to the qualifications of any of the three physicians.⁵ What is at issue is whether the physicians' individual and/or

⁵ The term “qualified physician” is defined in the City of Memphis Code of Ordinances § 25-1(37) as follows:

Qualified physician . . . means a physician: (i) who is duly licensed to practice medicine by the State of Tennessee, the State of Mississippi, or the State of Arkansas . . . and (ii) who is designated and reasonably compensated in the sole discretion of the board to make a medical determination of line-of-duty or ordinary disability or other physical or mental

collective testimony satisfies the requirements of § 25-1(27) for a LODD pension.

In its appellate brief, the City contends:

[I]t is clear from the City of Memphis Code of Ordinances that the employee must clear two hurdles in the opinions of at least two (2) qualified physicians to be eligible for a Line of Duty Disability Pension. The burden is placed squarely on the employee to show that in the opinions of at least two qualified physicians both the disability was caused by some definite and identifiable work-related injury and that work-related injury rendered the employee permanently and totally disabled from performing his job functions for the City as a result. The medical evidence in this matter is uncontroverted. Based on the physicians' written reports, LODD checklists, opinions, and deposition testimony, Buchanan does not have "medical evidence by at least two qualified physicians" who each opined that he has a permanent and total disability which resulted from his employment with the City. *See* City of Memphis Code of Ordinances § 25-1(27).

For his part, Mr. Buchanan contends:

Mr. Buchanan has been examined by three qualified physicians, Dr. Samuel Murrell, Dr. Harry Friedman, and Dr. Samuel Sch[r]oerlucke. The findings of these physicians are consistent with the lower courts' findings that Mr. Buchanan be awarded LODD. Dr. Murrell stated in his cross-examination during the trial in front of Administrative Law Judge ("hereinafter ALJ") George Brown that Mr. Buchanan is permanently and totally disabled from his job. Similarly, Dr. Samuel Sch[r]oerlucke concluded that Mr. Buchanan is permanently and totally disabled from working as a firefighter paramedic. Dr. Harry Friedman, in that same trial, stated that Mr. Buchanan's injury was caused by his employment with the City of Memphis.

Since the requirements of the statute plainly state that at least two qualified physicians examine an individual applying for LODD, and that these physicians must opine that an individual is permanently barred from his employment with the city as a result of an injury sustained while executing his or her job with the city, these requirements have been met. Therefore,

condition; provided, such person shall not be an interested party to the outcome of such determination, shall not be a participant and shall not have served the city or county in any elected, appointed, or salaried position within five years of the date he or she is asked to make any such medical determination.

both lower courts' decisions to award LODD benefits to Mr. Buchanan are proper.

Contrary to Mr. Buchanan's conclusory statement immediately above, two physicians have not opined that Mr. Buchanan is permanently barred from his employment with the city *as a result of* an injury sustained while executing his job with the City. Dr. Friedman opined that Mr. Buchanan's injury was caused by his employment with the City of Memphis, but he did not find that Mr. Buchanan was permanently and totally disabled from working as a firefighter paramedic. Dr. Murrell opined that Mr. Buchanan is permanently and totally disabled from his job, but he did not find that his disability was the direct and proximate result of the November 13, 2016 incident. However, in his deposition, when asked whether the November 13, 2016 incident "initiated the causative [chain] in disabling him from his job as a firefighter/paramedic," Dr. Murrell answered, "I think that's a significant factor, yes." While Dr. Schroerlucke opined that Mr. Buchanan is permanently and totally disabled from working as a firefighter paramedic, he did not find the disability was caused by his employment with the City. Thus, two physicians did not each find that both factors, "hurdles" as the City identifies them, had been established, those factors being causation and total and permanent disability.

The City insists that the plain reading of the ordinance requires "at least two physicians to opine that the employee sustained a work-related injury *which* caused his/her disability." We agree with the City's interpretation.

The ordinance is comprised of two sentences and, as noted above, the language of an ordinance "cannot be considered in a vacuum, but should be construed, if practicable, so that its component parts are consistent and reasonable." *In re Est. of Tanner*, 295 S.W.3d at 614 (citation omitted). The second sentence states: "*The determination of the line-of-duty disability* of a participant shall be made on medical evidence by at least two qualified physicians." City of Memphis Code of Ordinances § 25-1(27) (emphasis added). The first sentence expressly states, *the determination of the line-of-duty disability* requires proof that "a physical . . . condition arising as the direct and proximate result of an accident sustained by a participant, . . . while in the actual performance of duties for the city at some definite time and place . . . *which* totally and permanently prevents him or her from engaging in the duties for which he or she was employed by the city." *Id.* (emphasis added). Thus, giving full effect to the obvious intent of both sentences of the ordinance, *see In re Est. of Tanner*, 295 S.W.3d at 614, at least two physicians must make *the determination* that Mr. Buchanan has a physical condition that arose as the direct and proximate result of the November 13, 2016 incident *which* totally and permanently prevents him from engaging in the duties as a firefighter paramedic.

Here, two physicians have not made *the determination*. Nevertheless, Mr. Buchanan seeks to cobble together the testimony of one physician who established one of the factors with the testimony of another physician who established the other factor to constitute the

testimony of two physicians as making *the determination*. We have concluded that this interpretation of the ordinance is contrary to the clear intent and meaning of the ordinance.

A “basic rule of statutory [or ordinance] construction is to ascertain and give effect to the intention and purpose of the legislature.” *Carson Creek Vacation Resorts, Inc. v. State Dep’t. of Revenue*, 865 S.W.2d 1, 2 (Tenn. 1993). In determining legislative intent and purpose, a court must not “unduly restrict[] or expand[] a statute’s coverage beyond its intended scope.” *Worley v. Weigels, Inc.*, 919 S.W.2d 589, 593 (Tenn. 1996) (quoting *Owens v. State*, 908 S.W.2d 923, 926 (Tenn. 1995)). Rather, a court ascertains a statute’s purpose from the plain and ordinary meaning of its language, *see Westland West Community Ass’n. v. Knox County*, 948 S.W.2d 281, 283 (Tenn. 1997), “without forced or subtle construction that would limit or extend the meaning of the language.” *Carson Creek Vacation Resorts, Inc.*, 865 S.W.2d at 2.

When, however, a statute is without contradiction or ambiguity, there is no need to force its interpretation or construction, and courts are not at liberty to depart from the words of the statute. *Hawks v. City of Westmoreland*, 960 S.W.2d 10, 16 (Tenn. 1997). Moreover, if “the language contained within the four corners of a statute is plain, clear, and unambiguous, the duty of the courts is simple and obvious, ‘to say sic lex scripta, and obey it.’” *Id.* (quoting *Miller v. Childress*, 21 Tenn. (2 Hum.) 320, 321–22 (1841)). Therefore, “[i]f the words of a statute plainly mean one thing they cannot be given another meaning by judicial construction.” *Henry v. White*, 194 Tenn. 192, 198, 250 S.W.2d 70, 72 (1952).

Gleaves, 15 S.W.3d at 802–03 (alteration in original).

The ordinance clearly and unequivocally requires that at least two physicians make *the determination*. *See* City of Memphis Code of Ordinances, § 25-1(27) (“The determination of the line-of-duty disability of a participant shall be made on medical evidence by at least two qualified physicians.”). Moreover, courts must “presume that the [municipality] says in [an ordinance] what it means and means in [an ordinance] what it says there.” *BellSouth Telecomms., Inc. v. Greer*, 972 S.W.2d 663, 673 (Tenn. Ct. App. 1997). As a consequence, we may not construe the ordinance to allow the incomplete testimony of one physician to be cobbled together with the incomplete testimony of another physician to make the determination.

For the reasons stated above, we conclude that the chancellor, as well as the ALJ, misconstrued the ordinance by holding that there was “no requirement that *each* (emphasis in order) physician make the requisite determination,” when the plain language requires that “the determination of the line-of-duty disability of a participant shall be made by at least two qualified physicians.” City of Memphis Code of Ordinances, § 25-1(27). As a

consequence, the ALJ and the chancellor erred by reversing the decision of the Pension Board.

Accordingly, we reverse the decision of the chancery court and remand with instructions to reinstate the decision of the Pension Board of the City of Memphis, which denied Mr. Buchanan's application for LODD benefits.

IN CONCLUSION

For the foregoing reasons, we reverse the decision of the chancery court and remand with instructions to reinstate the decision of the Pension Board of the City of Memphis. Costs of appeal are assessed against the appellee, Brian Buchanan.

FRANK G. CLEMENT JR., P.J., M.S.