



FILED
Aug 31, 2026
07:18 AM(CT)
TENNESSEE COURT OF
WORKERS' COMPENSATION
CLAIMS

**TENNESSEE BUREAU OF WORKERS' COMPENSATION
IN THE COURT OF WORKERS' COMPENSATION CLAIMS
AT GRAY**

DARRET GOLDWIRE,
Employee,

v.

U.S. XPRESS, INC.,
Employer,

and

GREAT WEST CASUALTY CO.,
Carrier.

Docket No. 2025-20-2780

State File No. 860123-2025

Judge Brian K. Addington

COMPENSATION ORDER GRANTING SUMMARY JUDGMENT

U.S. Xpress, Inc. moved for summary judgment on the ground that Mr. Goldwire failed to file a petition for benefit determination before the statute of limitations ran. For the below reasons, the Court grants the motion.

Facts and Position

Mr. Goldwire alleged a date of injury of January 23, 2024. He filed a petition for benefits on May 1, 2025, in which he alleged an injury while driving equipment not compliant with Department of Transportation regulations. He noted difficulty in determining where to file the claim. On the petition he marked the box that he did not receive medical care from a physician on a list supplied by the employer and had not been paid for missing work.

U.S. Xpress asserted that Mr. Goldwire filed his petition after the statute ran. In support of its motion, it filed a statement of undisputed facts with citations to the record as required by Tennessee Rules of Civil Procedure 56.03 (2025). It contends the following are undisputed:

- Mr. Goldwire filed a petition for benefits dated May 1, 2025, with an injury date of January 23, 2024.

- He sought medical care from a physician who was not approved by U.S. Xpress.
- He has not received any temporary disability benefits under the Workers' Compensation Law.

Based on those facts, U.S. Xpress contends that no dispute exists that Mr. Goldwire's statute of limitations ran before he filed his petition. Mr. Goldwire did not respond to the motion or appear for the summary judgment motion hearing.

Analysis

Summary judgment is appropriate when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Tenn. R. Civ. P. 56.04; *TWB Architects, Inc. v. Braxton, LLC*, 578 S.W.3d 879, 887 (Tenn. 2019).

U.S. Xpress is entitled to summary judgment if it negates an essential element of Mr. Goldwire's claim or (2) demonstrates that his evidence is insufficient to establish his claim. *Id.* at 888.

An essential element to the claim is filing it before the statute of limitation runs. In this case, no benefits have been paid, so Mr. Goldwire must file his petition within one year of the accident. Tenn. Code. Ann. § 50-6-203(b)(1) (2025).

Here, based on the pleadings, U.S. Xpress provided facts that negate an essential element of Mr. Goldwire's claim. He filed his petition over a year after the alleged injury in a case where U.S. Xpress paid no benefits. Mr. Goldwire was then required to present facts that put the issue into dispute. However, he did not respond to the motion or appear for the hearing.

Thus, U.S. Xpress negated an essential element of Mr. Goldwire's claim and is entitled to summary judgment. Mr. Goldwire's claim against it is dismissed with prejudice to its refiling.

The Court taxes the \$150.00 filing fee to U.S. Xpress under Tennessee Compilation Rules and Regulations 0800-02-21-.06 (2026), payable to the Clerk within five business days. U.S. Xpress must prepare and submit the SD-2 with the Clerk within ten days of the date of judgment. Unless appealed, this order becomes final 30 days after entry.

It is ORDERED.

ENTERED August 31, 2026.

Brian K. Addington

JUDGE BRIAN K. ADDINGTON
Court of Workers' Compensation Claims

CERTIFICATE OF SERVICE

I certify that a copy of this order was sent as shown on August 31, 2026.

Name	Email	Service sent to:
Darret Goldwire, Employee	X	
Scott Johnson, Employer's Attorney	X	csj@smrw.com kem@smrw.com



PENNY SHIRUM, COURT CLERK
wc.courtclerk@tn.gov



Right to Appeal:

If you disagree with the Court's Order, you may appeal to the Workers' Compensation Appeals Board. To do so, you must:

1. Complete the enclosed form entitled "Notice of Appeal" and file it with the Clerk of the Court of Workers' Compensation Claims before the expiration of the deadline.
 - If the order being appealed is "expedited" (also called "interlocutory"), or if the order does not dispose of the case in its entirety, the notice of appeal *must* be filed *within seven (7) business days* of the date the order was filed.
 - If the order being appealed is a "Compensation Order," or if it resolves all issues in the case, the notice of appeal *must* be filed *within thirty (30) calendar days* of the date the Compensation Order was filed.

When filing the Notice of Appeal, you must serve a copy on the opposing party (or attorney, if represented).

2. You must pay, via check, money order, or credit card, a **\$75.00 filing fee** *within ten calendar days* after filing the Notice of Appeal. Payments can be made in-person at any Bureau office or by U.S. mail, hand-delivery, or other delivery service. In the alternative, you may file an Affidavit of Indigency (form available on the Bureau's website or any Bureau office) seeking a waiver of the filing fee. You must file the fully-completed Affidavit of Indigency *within ten calendar days* of filing the Notice of Appeal. **Failure to timely pay the filing fee or file the Affidavit of Indigency will result in dismissal of your appeal.**
3. You are responsible for ensuring a complete record is presented on appeal. If no court reporter was present at the hearing, you may request from the Court Clerk the audio recording of the hearing for a \$25.00 fee. If you choose to submit a transcript as part of your appeal, which the Appeals Board has emphasized is important for a meaningful review of the case, a licensed court reporter must prepare the transcript, and you must file it with the Court Clerk. The Court Clerk will prepare the record for submission to the Appeals Board, and you will receive notice once it has been submitted. For deadlines related to the filing of transcripts, statements of the evidence, and briefs on appeal, see the applicable rules on the Bureau's website at <https://www.tn.gov/wcappealsboard>. (Click the "Read Rules" button.)
4. After the Workers' Compensation Judge approves the record and the Court Clerk transmits it to the Appeals Board, a docketing notice will be sent to the parties.

If neither party timely files an appeal with the Appeals Board, the Court Order becomes enforceable. See Tenn. Code Ann. § 50-6-239(d)(3) (expedited/interlocutory orders) and Tenn. Code Ann. § 50-6-239(c)(7) (compensation orders).

For self-represented litigants: Help from an Ombudsman is available at 800-332-2667.



NOTICE OF APPEAL

Tennessee Bureau of Workers' Compensation

www.tn.gov/workforce/injuries-at-work/

wc.courtclerk@tn.gov | 1-800-332-2667

Docket No.: _____

State File No.: _____

Date of Injury: _____

Employee

v.

Employer

Notice is given that _____

[List name(s) of all appealing party(ies). Use separate sheet if necessary.]

appeals the following order(s) of the Tennessee Court of Workers' Compensation Claims to the Workers' Compensation Appeals Board (check one or more applicable boxes and include the date file-stamped on the first page of the order(s) being appealed):

☐ Expedited Hearing Order filed on _____ ☐ Motion Order filed on _____

☐ Compensation Order filed on _____ ☐ Other Order filed on _____

issued by Judge _____.

Statement of the Issues on Appeal

Provide a short and plain statement of the issues on appeal or basis for relief on appeal:

Parties

Appellant(s) (Requesting Party): _____ ☐ Employer ☐ Employee

Address: _____ Phone: _____

Email: _____

Attorney's Name: _____ BPR#: _____

Attorney's Email: _____ Phone: _____

Attorney's Address: _____

** Attach an additional sheet for each additional Appellant **

Employee Name: _____ Docket No.: _____ Date of Inj.: _____

Appellee(s) (Opposing Party): _____ ☐ Employer ☐ Employee

Appellee's Address: _____ Phone: _____

Email: _____

Attorney's Name: _____ BPR#: _____

Attorney's Email: _____ Phone: _____

Attorney's Address: _____

** Attach an additional sheet for each additional Appellee **

CERTIFICATE OF SERVICE

I, _____, certify that I have forwarded a true and exact copy of this Notice of Appeal by First Class mail, postage prepaid, or in any manner as described in Tennessee Compilation Rules & Regulations, Chapter 0800-02-21, to all parties and/or their attorneys in this case on this the _____ day of _____, 20 ____.

[Signature of appellant or attorney for appellant]