



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

JAMES OSBORN,
Employee,

v.

ADEBCO, INC.,
Employer,

And

INSURANCE CO. OF THE WEST,
Carrier.

Docket No. 2025-10-7818

State File No. 80489-2025

Judge Robert Durham

EXPEDITED HEARING ORDER DENYING BENEFITS

The Court held an expedited hearing on September 3, 2026. Mr. Osborn requested that Adebco pay benefits for a work-related injury to his low back, right hip, and right knee. For the reasons below, the Court holds that Mr. Osborn is not likely to prove at trial that his injuries primarily arose from his employment and denies his request for benefits.

History of Claim

Mr. Osborn worked for Adebco as a truck driver, but his duties also included cleaning and maintaining the trucks as well as making minor repairs. He testified that on October 14, 2025, he had finished checking the running lights on a truck and was climbing down the ladder on the cab. As he tried to step onto the running board from the ladder, his hand slipped off the ladder, causing him to twist and fall to the ground on his left side and then roll over on his right hip. Since it was the end of the day, he went to bed. The next day, he was limping badly.

A few days later On that same day, his supervisor, James McKnight, showed up at Mr. Osborn's motel. He was concerned because Mr. Osborn had been seen using a walker for the past two weeks. He told Mr. Osborn that he would have to get medical clearance before Adebco could let him drive. Mr. Osborn disputed the need for clearance and said that he mostly used the walker to carry groceries or other

things to and from his motel room. He did not tell Mr. McKnight about his fall the day before.

On October 19, Mr. Osborn texted James McKnight, his supervisor, and told him he fell and twisted his knee. He did not mention falling on his hip. After some delay getting an appointment through his health insurance to get medical clearance, he mentioned filing a workers' compensation claim to Adebco. However, he admitted he did that to motivate them to send him to a doctor to get cleared for work.

In early November, Mr. Osborn saw Dr. Johan LaTorre, M.D., through his health insurance for his right-knee pain. He told Dr. LaTorre that over the past three years he had suffered progressive pain and popping in his right knee. He described episodes where his knee would give out and that he occasionally dragged his foot due to weakness. Mr. Osborn said he had difficulty walking long distances and used a walker for support. He estimated that 75% of his pain came from his knee, although he also had chronic discomfort in his right hip with significant pain with certain movements. He did not mention a work-related fall.

In his deposition, Dr. Latorre explained that after examining Mr. Osborn, he told him that he suffered from a severe femoral head collapse in his right hip and that this condition contributed to his knee pain. Dr. LaTorre testified that the collapse was due to avascular necrosis, or lack of blood flow that caused the bone to die. The fact that the necrosis was on one side made it "a little bit more likely" that trauma caused it. However, it was "less likely" that the level of necrosis was due to a recent injury, and he thought it took years to develop.

Dr. Latorre continued by saying that he understood Mr. Osborn fell from a truck in 2022. Although he believed trauma "likely caused" the necrosis, he could not "pinpoint which trauma," i.e., the 2022 fall or the 2025 incident. Upon further questioning, he maintained that the necrosis was "less likely" to be due to the 2025 incident, although he could not rule it out completely. But he went on to say that while the 2025 fall did not worsen the necrosis, it likely "kind of cause[d] a flare-up" and made Mr. Osborn's symptoms worse. As for the lumbar spine and right knee conditions, Dr. Latorre could not say that they were primarily caused by the 2025 incident.

Dr. Latorre concluded his deposition by agreeing with Mr. Osborn that trauma was the likely cause of his necrosis that resulted in a femoral head collapse. However, the question was whether it was the 2022 fall or the 2025 incident, and on

that point, he said “which trauma is the one that, you know, is the bigger culprit, and that, I can’t say for sure which one is or isn’t for that.”

Law and Analysis

Mr. Osborn must show a likelihood of prevailing at a compensation hearing that a fall at work primarily caused him to suffer injuries to his right hip, knees, and low back. Tenn. Code Ann. § 50-6-239(d)(1) (2025).

To prove causation, Mr. Osborn must establish that his symptoms and need for treatment primarily arose out of his work injury. *Id.* § 50-6-102(12)(A). Further, he must prove causation to a “reasonable degree of medical certainty,” which requires an expert medical opinion. *Id.* § 50-6-102(12)(C).

Dr. Latorre stated that Mr. Osborn likely suffered from arthritis in his hip, knees, and low back before his work injury. That, of course, is not necessarily fatal to his claim. Adebco may still be responsible for any aggravation of this condition, so long as the aggravation arose “primarily out of and in the course and scope of employment.” *Id.* § 50-6-102(12)(A).

In *Edwards v. Peoplease, LLC*, No. W2024-01034-SC-R3-WC, 2025 Tenn. LEXIS 514, at *26 (Tenn. Dec. 22, 2025), the Supreme Court analyzed the compensability of an aggravation of a preexisting condition. It defined an aggravation as “an intensification or worsening of a pre-existing disease, condition or ailment, permanent or not, that contributes more than fifty percent in causing death, disability or the need for medical treatment.”

Edwards further held that to prove a compensable aggravation, the employee must establish “(1) that the work accident contributed more than fifty percent in causing the aggravation, and (2) that the aggravation, which was caused by the work accident, contributed more than fifty percent to disablement or the need for medical treatment.” *Id.* at *27.

Here, while Dr. Latorre agreed that trauma caused Mr. Osborn’s avascular necrosis and resulting femoral head collapse, he could not attribute it to the 2025 fall. In fact, he said it was more likely to have been caused by the 2022 fall.

As for an aggravation, he said he did not think the 2025 fall made the necrosis worse, although it likely led to a “flare-up” of his symptoms. However, he did not testify that the “flare-up” contributed more than 50% to Mr. Osborn’s disablement

or need for treatment. Dr. Latorre could not attribute Mr. Osborn's low-back and knee conditions to his 2025 fall as either the cause of the condition or a compensable aggravation of a preexisting condition.

Given the circumstances, the Court cannot find that Mr. Osborn is likely to prove causation of the conditions for which he may require treatment.

IT IS ORDERED:

1. Mr. Osborn's request for benefits is denied at this time.
2. This case is set for a status conference on **October 26, 2026**, at **2:30 p.m. Central Time, 3:30 p.m. Eastern Time**. The parties must call 615-253-0010 or 855-689-9049 to participate. Failure to call might result in a determination of the issues without the party's participation.

ENTERED September 21, 2026.



JUDGE ROBERT DURHAM
Court of Workers' Compensation Claims

APPENDIX

Exhibits:

1. Dr. Latorre's deposition
2. Medical records filed by Adebco
3. Additional medical records filed by Mr. Osborn
4. Referrals to doctors by health insurance carrier
5. Text chains between Mr. Osborn and Adebco
6. Excerpt from Mr. Osborn's deposition

CERTIFICATE OF SERVICE

I certify that a copy of this Order was sent on September 21, 2026.

Name	Email	Service sent to:
James Osborn	X	Jmosborn1962@icloud.com
Richard Clark	X	Rclark@eraclides.com



PENNY SHRUM, 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]