

Tennessee Workers' Compensation & Litigation Update

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In Tennessee, job applicants cannot sue employers for failure to hire due to workers' compensation claims.

The Tennessee Supreme Court recently held a job applicant cannot sue a prospective employer for failure to hire because the applicant has filed, or is likely to file, a claim for workers' compensation benefits.

In *Kighwaunda M. Yardley v. Hospital Housekeeping Systems, LLC*, the plaintiff was employed by a hospital as a maid. She was hurt at work and filed a workers' compensation claim. Then, the hospital contracted with Hospital Housekeeping Systems for it to perform housekeeping services for the hospital. Hospital Housekeeping Systems hired most of the hospital's housekeeping staff, but not the plaintiff. A Hospital Housekeeping Systems official wrote an email indicating that bringing "her on board ... would be a Workers Comp claim waiting to happen." The plaintiff then sued, and the case made its way to the Supreme Court.

The Supreme Court interpreted Tennessee's Workers' Compensation Act to determine whether the plaintiff had a cause of action. Under the Act, "an employer's decision to fire an employee for filing a workers' compensation claim has been held to be an unlawful device." But the court emphasized that the "basis of liability under the Workers' Compensation Act is the employer-employee relationship." Since no employer-employee relationship was created, the Supreme Court concluded that the plaintiff could not sue Hospital Housekeeping Systems under the Act.

If you have any questions, please contact an [MGC attorney](#).

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