



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

WILMA RANDALL,) **Docket Number: 2021-02-0225**
 Employee,)
v.)
FOOD LION,) **State File Number: 800225-2021**
 Employer,)
And)
DELHAIZE AMERICA, INC.,) **Judge Brian K. Addington**
 Carrier.)

EXPEDITED HEARING ORDER

During an expedited hearing on June 28, 2023, Wilma Randall requested medical benefits for alleged pulmonary and respiratory injuries caused by repeated exposures to chemical cleaners. Food Lion asserted that she more than likely is suffering from long-term Covid symptoms. For the reasons below, the Court finds that she is not likely to prevail at a hearing on the merits in her claim that chemical cleaner exposure at work caused her medical conditions.

Claim History

Ms. Randall worked in the bakery-deli department for Food Lion for twenty years. She usually worked six days a week as a closer. Those duties included cleaning the workspace, meat/cheese slicers, ovens and mopping the floors. Food Lion supplied the cleaners. At some point in 2020, Food Lion changed the brand of cleaning supplies it used in its stores. Ms. Randall testified that the new cleaning solutions had a noticeably stronger odor and cleaned better than the previous solutions.¹

In September 2020, she went to the emergency room on the advice of her supervisor with shortness of breath, cough, fever, and chills. She reported that her symptoms started

¹ Ms. Randall testified that she wore a mask when she used the new cleaners, but she did so for Covid precautions.

three to four weeks earlier. Her chest x-ray was normal. Upon her release that day, the emergency room providers gave her a prescription and diagnosed bronchitis.

When her symptoms did not improve, she returned to the emergency room in October. This time, her oxygen levels were low, and she stayed in the hospital for three days. Ms. Randall did not test positive for Covid. The discharge doctor diagnosed hypersensitivity pneumonia and recorded that she should “avoid exposure to dust at work which could have been a contributing cause of her shortness of breath and [pneumonia].”

Due to persistent symptoms, she saw a pulmonologist, Dr. April Lambert-Drwiega, on her own in November, who prescribed an emergency inhaler, diagnosed reactive airway disease, and recommended a return appointment in three months.

Her medical history after the appointment with Dr. Lambert-Drwiega included two emergency room visits in December. The first time she reported poor appetite, chills, coughing and nausea; the second time was due to a fall from weakness. During this visit, a repeat chest x-ray showed her lungs had improved. She also had a lung functioning test that showed minor airway disease.

In February 2021, at Ms. Randall’s request, Dr. Lambert-Drwiega returned her to work, but she was to avoid cleaning chemicals. However, Ms. Randall testified that she chose not to return to work. Dr. Lambert-Drwiega performed a lung biopsy in March and the cultures were negative.

By June, Dr. Lambert-Drwiega noted that Ms. Randall’s shortness of breath and wheezing had resolved, and her main symptom was a persistent cough. She also wrote, based on a review of hospital records, “suspected 2019 novel coronavirus infection” as the diagnosis.²

Dr. Lambert-Drwiega completed a questionnaire regarding her opinion of Ms. Randall’s symptoms. She responded “yes” to the question of whether Ms. Randall’s hypersensitivity pneumonitis, reactive airway disease, and breathing problems were due to exposure to chemicals she used while performing her job duties at Food Lion. She noted that Ms. Randall has “chronic lung inflammation and reactive airway disease. Exposure to chemicals at the job worsened her [illegible].” She also noted that Ms. Randall had reached maximum medical improvement.

To understand the causation for Ms. Randall’s alleged injury, the parties took both Drs. Christopher Holstege and Lambert-Drwiega’s deposition.

² Dr. Lambert-Drwiega later testified by deposition that she wrote this because Ms. Randall was hospitalized for suspected Covid.

Dr. Holstege, Food Lion's expert, has been the Chief of the Division of Medical Toxicology at the University of Virginia since 1999. He did not treat Ms. Lambert but performed a record review. He obtained and reviewed her medical records before and after the alleged injury. He testified that his opinion was that Ms. Lambert's symptoms were more likely caused by Covid, even though she never tested positive. He also explained that testing showed her lungs were not totally affected from exposure to toxic fumes, which would be an abnormal finding if someone were exposed. He reviewed the substances to which she was exposed and determined they did not cause her symptoms.

Dr. Lambert-Drwiega, Ms. Randall's expert, testified that Ms. Randall's "symptoms and clinical findings, manifestation was a result of being exposed to fumes, noxious fumes at work. The cleaning agents, those fumes from that." She also testified that Ms. Randall would not be able to perform her job duties if she were exposed to the fumes because they worsen her symptoms. She discussed that Ms. Randall did not test positive for Covid, according to hospital records. She confirmed her responses to the questionnaire: that Ms. Randall's exposure to the cleaning chemicals at Food Lion caused her respiratory problems.

Primarily, she identified bleach or ammonia as the two chemicals that caused Ms. Randall's respiratory problems. However, she was unable to identify which types of cleaning chemicals Ms. Randall used at work or confirm that they contained bleach or ammonia. She also testified that she had not reviewed a list of the cleaning supplies Ms. Randall used before and after Food Lion started using a new brand, and she did not know how often Ms. Randall was exposed to the cleaners during her shift.

During the hearing, Ms. Randall was calm and assured in her testimony, but became emotional when recounting specific facts. She admitted that she used bleach at home without any problems after her injury, but she asserted that the new cleaning solutions at Food Lion were stronger than she had previously used. She did not know the specific chemicals to which she was exposed at work.

Food Lion admitted that Ms. Randall was a dedicated employee, but it argued that her claim should be denied because she has not proven the relationship between her work and her alleged injury.

The parties stipulated that Food Lion never provided a panel of physicians or paid any medical bills.

Findings of Fact and Conclusions of Law

Ms. Randall must show that she is likely to succeed at a hearing on the merits in proving that her lung condition and need for treatment is primarily related to her work.³ She alleged that her lungs were injured by the cleaning supplies she used at work.

Ms. Randall relied on Dr. Lambert-Drwiega to support her case. However, the evidence shows that Dr. Lambert-Drwiega did not know the specific chemicals to which Ms. Randall was exposed and did not know her total medical history. She testified that bleach harmed Ms. Randall, while Ms. Randall testified she used bleach at home without any problems.

Further, the Court finds that Dr. Holstege is the more reliable expert, as he is Chief of the Division of Medical Toxicology at the University of Virginia, plus he reviewed a more detailed medical history and fully explained how Ms. Randall's tests should have looked if she were exposed to chemicals. He found that her condition was not caused by her work. Because Dr. Holstege had the most complete medical history and knew the chemicals to which Ms. Randall was exposed, only his opinion satisfies Tennessee Code Annotated 50-6-102(12)(D), that requires a physician to consider all causes of an injury.

Ms. Randall was a valuable Food Lion employee and a competent witness, but the Court holds the medical proof at this time does not show that she is likely to succeed at a hearing on the merits in proving her lung condition and need for treatment is primarily related to her work.

IT IS, THEREFORE, ORDERED as follows:

1. Ms. Randall's claim against Food Lion for the requested benefits is denied at this time.
2. The Court sets a Status Hearing on **September 26, 2023**, at **10:00 a.m. Eastern**. The parties must call **855-543-5044** to participate.

ENTERED July 6, 2023.

[/s/ Brian K. Addington](#)

BRIAN K. ADDINGTON, JUDGE
Court of Workers' Compensation Claims

³ Tenn. Code Ann. § 50-6-239(d)(1) (2022); Tenn. Code Ann. § 50-6-102(12).

Appendix

Technical Record:

1. Petition for Benefit Determination
2. Request to Resume Mediation
3. Dispute Certification Notice
4. Hearing Request
5. Pre-Hearing Statement of Position

Exhibits:

1. Wilma Randall's Affidavit
2. Medical Records
 - Sycamore Shoals Hospital
 - Medical Care PLLC
 - BHMA Pulmonology
3. Medical Questionnaire completed by Dr. April Lambert-Drwiega⁴
4. Dr. April Lambert-Drwiega's deposition
5. Dr. Christopher Holstege's deposition⁵
6. Dr. Christopher Holstege's CV

CERTIFICATE OF SERVICE

I certify that a copy of this Order was sent as indicated on July 6, 2023.

Name	Certified Mail	Fax	Email	Service sent to:
Todd East, Employee's Attorney			X	todd@toddeast.com jennifer@toddeast.com
Daniel Hall, Employer's Attorney			X	dhall@midkifflaw.com mkupp@midkifflaw.com



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

⁴ Food Lion objected to Dr. Lambert-Drwiega's medical questionnaire and deposition. The Court overrules the objection, as the questionnaire is a medical record known by Food Lion for years and referenced by Dr. Holstege in his deposition testimony.

⁵ Ms. Randall objected to Dr. Holstege's deposition because she could not review his report before the deposition. The Court overrules the objection as he testified that he did not complete a report.



NOTICE OF APPEAL

Tennessee Bureau of Workers' Compensation

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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]