

RECEIVED

2008 OCT 17 AM 10:58

BEFORE THE DEPARTMENT OF COMMERCE AND INSURANCE  
FOR THE STATE OF TENNESSEE

SECRETARY OF STATE  
IN THE MATTER OF:  
GERALD W. WILSON  
and

TRAVELERS PROPERTY AND  
CASUALTY COMPANY OF  
AMERICA

)  
)  
)  
)  
)  
)  
)

DOCKET NO: 12.28-097936A

WC Appeal - INSURANCE

---

ORDER OF DEFAULT AND FINAL ORDER

---

This matter came to be heard on June 26, 2008, before the Honorable Rob Wilson, Administrative Law Judge, assigned by the Secretary of State, sitting along with John F. Morris, Deputy Commissioner, for the Tennessee Department of Commerce and Insurance. Travelers Property Casualty Company of America ("Travelers") was represented by Ben M. Rose, of Cornelius & Collins, LLP. The insured, Gerald W. Wilson ("Wilson"), did not appear at the hearing nor did an attorney appear on his behalf.

ORDER OF DEFAULT

This matter was heard upon Travelers' Motion for Default due to a failure of the insured, Gerald W. Wilson, to appear or to be represented at the hearing on June 26, 2008, after receiving proper notice thereof. The record indicates that Wilson, was properly served under the provisions of Tenn. Code Ann. § 56-5-309(b). After consideration of the record, it was determined that Travelers' motion was proper. The insured, Gerald W. Wilson, was held in **DEFAULT**.

## FINAL ORDER

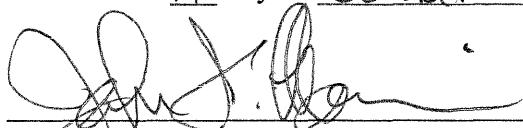
The subject of this hearing was an appeal filed by Wilson disputing that an employer/employee relationship existed between Wilson and Trent Madgos. Wilson failed to appear at the hearing and it was determined that Travelers' did not need to present any additional proof as a result of Wilson's failure to appear. During the hearing, Travelers' requested that the Commissioner issue an assessment of pre-judgment interest. It was determined that the award of pre-judgment interest would not be appropriate however Travelers' was allowed to submit a brief to present argument for an award for pre-judgment interest. Travelers' did not submit a brief.

*NOW THEREFORE, IN LIGHT OF THE FOREGOING*, the following is hereby

### ORDERED:

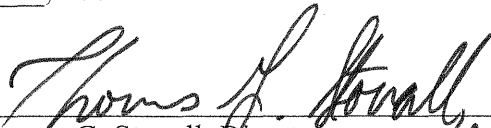
1. Gerald W. Wilson shall be required to pay one thousand seven hundred and fifty-seven dollars (\$1,757.00) to Travelers Property Casualty Company of America;
2. Gerald W. Wilson shall be assessed the costs of the appeal; and
3. Travelers' request for pre-judgment interest is denied.

This Final Order is entered and effective this the 14<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
John F. Morris  
Deputy Commissioner

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the

17~~th~~ day of October, 2008.

  
\_\_\_\_\_  
Thomas G. Stovall, Director  
Administrative Procedures Division *msb*

**NOTICE OF RECONSIDERATION AND APPEAL PROCEDURES**

Within fifteen (15) days after the Final Order is entered, a party may file a Petition for Reconsideration of the Final Order, in which the Petitioner shall state the specific reasons why the Final Order was in error. If no action is taken within twenty (20) days of filing of the Petition for Reconsideration, the Petitioner is deemed denied. TENN. CODE ANN. § 4-5-317.

A party who is aggrieved by a final decision in a contested case may seek judicial review of the Final Order by filing a petition for review in Davidson County Chancery Court within sixty (60) days after the entry of the Final Order, or if a Petition for Reconsideration is granted, within sixty (60) days of the entry date of the Final Order disposing of the Petition for Reconsideration. The filing of a Petition for Reconsideration does not itself act to extend the sixty (60) day period, if the petition is not granted. A reviewing court also may order a stay of the Final Order upon appropriate terms. TENN. CODE ANN. §§ 4-5-322 and 4-5-317.

**CERTIFICATE OF SERVICE**

I, Dakasha Winton, hereby certify that a copy of the foregoing has been filed with the Administrative Procedures Division, Department of State and served on the following by First Class U.S. mail on this the 17<sup>th</sup> day of October, 2008:

Mr. Benjamin M. Rose  
Cornelius and Collins, LLP  
511 Union Street, Suite 155  
Nashville, Tennessee 37122

Mr. Gerald Wilson  
4006 Gumwood Lane  
Knoxville, Tennessee 37921

Ms. Jacquie Fortenberry  
Department of Commerce and Insurance  
Insurance Division, Actuarial Services Section  
500 James Robertson Parkway, Fourth Floor  
Nashville, Tennessee 37243

  
\_\_\_\_\_  
Dakasha Winton, Certifying Attorney