



Oct 12, 2010

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Nile R. Patton, Jr. v. Raven Crest Contracting, LLC., and Eric Charles

An equipment operator/employee of a surface mine sued the employer and his immediate supervisor for wrongful termination on the grounds of Workers' Compensation discrimination, alleging that he was terminated while entitled to receive temporary total disability benefits. The employer's liability defense was that the employee reported that he would return to work on a date certain and did not do so, thus violating the two day "no call, no show" rule. After a 6 day trial, the jury returned a verdict in favor of the plaintiff in the sum of \$170,000. Four previous and one subsequent trial of the same type of case in the jurisdiction resulted in multi-million dollar verdicts. The employer defended on both liability and damages.

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