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IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs March 5, 2026

AHMAD AYSHEH v. CITY OF MEMPHIS

Appeal from the Chancery Court for Shelby County
No. CH-23-0890 James R. Newsom, Chancellor

No. W2025-01112-COA-R3-CV

This appeal comes before us from the Shelby County Chancery Court’s order affirming Respondent-Appellee’s denial of a disability retirement to Petitioner-Appellant. At issue are the following questions: (1) whether the denial was arbitrary and capricious and unsupported by the evidence; and (2) whether a statutorily created presumption should apply retroactively to establish that Petitioner-Appellant’s disability was incurred in the line of duty and is compensable. Discerning no error, we affirm the chancery court’s judgment.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed

WILLIAM E. PHILLIPS II, J., delivered the opinion of the court, in which W. NEAL MCBRAYER and STEVEN W. MARONEY, JJ., joined.

Darrell J. O’Neal and Misty L. O’Neal, Memphis, Tennessee, for appellant, Ahmad Aysheh.

Casey Shannon and Jamie Gibber, Memphis, Tennessee, for appellee, City of Memphis.

OPINION

Factual and Procedural Background

A. Background

Petitioner-Appellant, Ahmad Aysheh, began working as a firefighter paramedic with the Memphis Fire Department in October 2018. Petitioner had previously worked for a fire department in Mississippi in a different role. Petitioner described the job in Mississippi as “slow,” saying that he “spent most of his time there sleeping and studying to become a paramedic.” Before that job, Petitioner had worked for a private ambulance company transporting dialysis patients and volunteered at a smaller fire department in Mississippi, which “was very slow.” Petitioner “saw little activity and no trauma” as a volunteer.

As part of the hiring process for the firefighter paramedic job, Petitioner underwent a mental health evaluation. There were no “issues or problems or concerns” raised by the results of that evaluation. Petitioner did not suffer from Post-Traumatic Stress Disorder or “any issues even similar to PTSD” when he was hired by the Memphis Fire Department.

Petitioner assumed that working for the Memphis Fire Department would be similar to his previous job in Mississippi. Petitioner had heard about “burnout” from some veteran firefighters, but once he began his job as a firefighter paramedic, he was soon “shocked at the trauma he saw from violence and accidents.” Petitioner recalled that he had “never experienced anything like it previously.”

Petitioner experienced “seven or eight calls” that had “st[u]ck with” him. In late 2019, Petitioner sought treatment for PTSD. However, his symptoms intensified over time. After Thanksgiving in 2020, Petitioner approached his lieutenant and told him, “I can’t do this anymore.” Petitioner has not worked as a firefighter paramedic since that day.

In a letter dated August 11, 2021, Petitioner’s treating psychiatric mental health nurse practitioner stated that Petitioner was permanently unable to perform the essential job functions of a firefighter paramedic. On August 21, 2021, Petitioner applied for disability retirement from the City of Memphis Retirement System.

B. City of Memphis Disability Retirement Ordinance

Respondent-Appellee, the City of Memphis, provides for two types of disability retirement. The first, “ordinary disability” retirement, involves a physical or mental condition that did not occur in the “line of duty” and that totally prevents a city employee from engaging in their duties. Memphis, Tenn., Code of Ordinances § 4-4-1(A)(31) (2012).

The second type of disability retirement, “line-of-duty disability” retirement, involves

a physical or mental condition arising as the direct and proximate result of an accident sustained by a [city employee] . . . while in the actual performance of duties for the city *at some definite time and place* without willful negligence on his or her part which totally and permanently prevents him or her from engaging in the duties for which he or she was employed by the city.

Memphis, Tenn., Code of Ordinances § 4-4-1(A)(27) (2012) (emphasis added). The determination to award a city employee a line-of-duty disability retirement “shall be made on medical evidence by at least two qualified physicians.” Id.

Petitioner applied for a line-of-duty disability retirement from Respondent.

C. Independent Medical Evaluations

Petitioner consented to two independent medical evaluations as part of the application process.

On February 22, 2021, Dr. Mohammad Al-Taher reported the findings of his psychological evaluation of Petitioner.¹ The report listed Petitioner's "date of injury" as November 25, 2020. However, the report stated that "[t]he first warning signs began in 2019 when [Petitioner] began having trouble with intrusive memories on a daily basis." According to the report, Petitioner was experiencing "anxiety, a sense of impending doom, insomnia, and various bodily symptoms" in March 2019. By September 2019, Petitioner began experiencing flashbacks. Dr. Al-Taher reported that "[a] few months later," Petitioner began to experience nightmares twice a week and to "notice anger episodes and depression."

Dr. Al-Taher diagnosed Petitioner with PTSD. Dr. Al-Taher stated that Petitioner's job had "exposed him to many traumatic experiences, although not all of them have stuck with him." Dr. Al-Taher described the experiences that caused Petitioner "distress" as ones that involved "abused children or children hit by vehicles while crossing the street." Additionally, Dr. Al-Taher listed Petitioner's having to respond to a call in 2019 where four teenagers were shot; a call where a person had been struck by a vehicle "over a video game dispute"; a call where he had treated two individuals for gunshot wounds and had to return "to clean up their blood"; and a call where he found the dead body of an overdose victim.

Dr. Al-Taher concluded that Petitioner's PTSD "appear[ed] to be a direct result of his employment" as a firefighter paramedic based on the "timetable of symptoms and the nature of [Petitioner's] nightmares, memories[,] and flashbacks." Dr. Al-Taher also concluded that Petitioner's condition was "considered permanent" and that his "symptoms [were] severe enough to preclude further employment in this sector." Dr. Al-Taher further advised that Petitioner "avoiding further exposure to injury, violence[,] and death [was] imperative for his recovery."

On November 21, 2021, Dr. Keith A. Caruso reported the findings of his psychological evaluation of Petitioner. Dr. Caruso noted that Petitioner first sought psychiatric treatment for "anxiety, depression[,] and self-esteem and trauma issues" in February 2021. Petitioner reported that he "began having PTSD symptoms in October 2019." Petitioner became irritable, with his wife telling him, "Every time you put on that [firefighter's] uniform, you turn into an asshole." Petitioner then began experiencing panic

¹ Dr. Al-Taher's examination occurred before Petitioner submitted his application for a line-of-duty disability retirement. However, it was used as one of Petitioner's two required independent medical evaluations. Dr. Al-Taher submitted a "checklist" that was required to accompany independent medical evaluations on December 2, 2021.

attacks and flashbacks. He also developed catastrophic thinking, fearing for the safety of his family and limiting his social interactions with others.

Petitioner told Dr. Caruso that there were “seven or eight calls that [had stuck] with him.” The first occurred in 2018 when a gunshot wound victim died while Petitioner was attending to him. From that point on, “trauma exposures continued.”

In 2019, Petitioner had been flagged down to assist a man who had been struck by a car. As Petitioner was attending to the man he saw “a scary look” on the man’s face and the man died. Also in 2019, Petitioner responded to a call with multiple gunshot victims. Several hours later, Petitioner was dispatched “to clean up the blood.” Petitioner told Dr. Caruso that he would never forget “the clumps of blood.”

Another incident that Petitioner recalled was in 2020 when he responded to a call and found the dead body of an overdose victim “who had been dead for several hours . . . with his head propped on an elbow.” Also in 2020, Petitioner responded to a call involving a victim who had died from a motor vehicle accident while “racing.” Petitioner reported to Dr. Caruso that he was “haunted” by a call he responded to in late 2020 when he had been the first to arrive at a motor vehicle accident between a car and dump truck. Petitioner assisted the victim while other firefighters cut the victim out of the car, but the victim later died on the way to the hospital.

Dr. Caruso diagnosed Petitioner with chronic PTSD, major depressive disorder, and generalized anxiety disorder. Dr. Caruso also stated that Petitioner had suffered from these conditions for “approximately the past year.” Dr. Caruso concluded that Petitioner’s conditions “were directly caused by his performing his job duties, specifically his exposure to psychologically traumatic events involving actual and threatened death and serious bodily injury to others.”

Dr. Caruso further concluded that Petitioner would “not regain work capacity” as a firefighter paramedic. According to Dr. Caruso, Petitioner was permanently prevented from performing his job duties as they would cause Petitioner to suffer “panic attacks and other PTSD symptoms that cannot be controlled and would interfere with his performance of his job duties.”

In reviewing Petitioner’s application and independent medical evaluations, the case manager’s summary listed Petitioner’s date of injury as “2018.” The summary also listed the “triggering event” as “varies.” The case manager recommended that Petitioner receive a line-of-duty disability retirement as “at least two qualified physicians agree[d] that he is totally and permanently disabled and performing his job duties with [Respondent] caused this disability.”

D. Administrative Proceedings

On December 14, 2021, Petitioner received a letter from Regina H. Lucas, retirement manager for Respondent. The letter informed Petitioner that Ms. Lucas had determined that Petitioner's application met the eligibility requirements for a line-of-duty disability retirement. The letter also informed Petitioner that his application would be reviewed by Respondent's Pension Board of Administration at its December 16, 2021 meeting to certify the decision granting the line-of-duty disability retirement.

At the December 16, 2021 meeting, the Pension Board voted to remand Petitioner's application back to the retirement manager. The Pension Board had "identified an error" and sent the application back to the retirement manager "for additional information." At its January 27, 2022 meeting, the Pension Board denied Petitioner's application because he did not "qualify for a retirement plan."

On February 1, 2022, Petitioner received another letter from Ms. Lucas informing him that his application for a line-of-duty disability retirement had been denied. Ms. Lucas informed Petitioner that to qualify for a line-of-duty disability retirement, "the disability must have arisen as a direct and proximate result of an accident sustained by [Petitioner], at a definite time and place, while performing [his] job for [Respondent]."

Petitioner appealed the Pension Board's denial to an administrative law judge. In September 2022, the parties had a hearing by videoconference with the administrative law judge.

Ms. Lucas testified at the hearing that during the Pension Board's meeting on December 16, 2021, the members of the Pension Board felt that "they didn't have enough information on the triggering event" that caused Petitioner's PTSD. The Pension Board remanded the application back to Ms. Lucas for her "to go back and review [the] entire record[] and present to them the triggering event." After reviewing the entire record, Ms. Lucas was not able to pinpoint "a triggering event." Ms. Lucas testified that she had initially approved Petitioner's application because that was "something that [she] missed" on her initial review.

Ms. Lucas explained that Petitioner's application was ultimately denied because neither independent medical evaluation concluded that Petitioner's PTSD was caused by "a specific accident at a specific date and time." Instead, both doctors referred to "exposure to multiple traumatic events."

At the hearing, Petitioner admitted that he had experienced several events as a firefighter paramedic that could be labeled as traumatic. When asked if there was a "specific incident that caused [him] to start [to] have problems or issues with the future diagnosis of PTSD," Petitioner responded that there was. Petitioner recalled that sometime in the summer of 2019 he was flagged down to assist a man who had been dragged by a

car, collided with a different car, gone airborne, and landed on the ground. Petitioner testified that the man's "body was deformed" and that he began seeing a therapist after this incident.

In May 2023, the administrative law judge issued an order affirming the Pension Board's denial of Petitioner's application for a line-of-duty disability retirement. The administrative law judge concluded that the denial was "in accordance" with the applicable city ordinance because "no two physicians found Petitioner to have suffered the PTSD injury at a definite time and place while performing his duties as an employee of" Respondent.

E. Judicial Review

In July 2023, Petitioner filed in the Shelby County Chancery Court a petition for judicial review under the Uniform Administrative Procedures Act. In July 2025, the chancery court entered its order affirming the denial of Petitioner's application for a line-of-duty disability retirement. The chancery court found that, beginning in 2019, Petitioner "suffered multiple events which he described as traumatic during his employment as a firefighter" with Respondent and that he suffered from PTSD. However, the chancery court also found that neither of the independent medical evaluations determined that Petitioner "suffered a physical or mental condition at a definite time and place." Based on these facts, the chancery court concluded that the denial was not arbitrary and capricious or unsupported by the evidence.

Petitioner now appeals the chancery court's order to this Court.

Discussion

Petitioner contends that the Pension Board's denial of his line-of-duty disability retirement application was arbitrary and capricious and conflicted with the evidence because the Pension Board "failed to follow its own policy." Petitioner also contends that the administrative law judge exceeded her authority by "ignore[ing] the evidence in the record and substitut[ing] evidence that [was] contrary to the record" when she affirmed the Pension Board's denial. While so phrased, Petitioner's argument for each issue is essentially the same: that the Pension Board's denial was unsupported by substantial and material evidence in light of the record. Respondent replies that Petitioner's contention that he qualified for a line-of-duty disability retirement ignores the applicable ordinance's requirement that Petitioner's PTSD be the result of an accident that occurred *at some definite time and place*.

Petitioner further contends that a recently enacted statute should be applied retroactively to his case. The statute provides a presumption that PTSD caused while working as a firefighter was incurred in the line of duty. Respondent replies that Petitioner has waived this contention by failing to raise it in the chancery court.

I. Standard of Review

The Uniform Administrative Procedures Act controls judicial review of decisions by a civil service board of a municipality, like the Pension Board, that affect “the employment status of a . . . city civil service employee,” like Petitioner. Tenn. Code Ann. § 27-9-114(b)(1) (2017); Marino v. Bd. Of Admin. City of Memphis Ret. Sys., No. W2015-00283-COA-R9-CV, 2015 WL 7169796, at *4-5 (Tenn. Ct. App. Nov. 16, 2015).

The Act promotes the general principle that “courts should defer to decisions of [civil service boards] when [the boards] are acting within their area of specialized knowledge, experience, and expertise.” StarLink Logistics Inc. v. ACC, LLC, 494 S.W.3d 659, 669 (Tenn. 2016). As such, our standard of review of a civil service board’s decision is narrow and deferential under the Act. Id. at 668.

Our review is limited to addressing “errors that affect the merits” of a civil service board’s decision. Tenn. Code Ann. § 4-5-322(i) (2021). Therefore, we may only reverse or modify a board’s decision when

The rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the [board];
- (3) Made upon unlawful procedure;
- (4) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
- (5) . . . [U]nsupported by evidence that is both substantial and material in light of the entire record.

Tenn. Code Ann. § 4-5-322(h) (2021).

A decision by a civil service board that exceeds the scope of authority delegated to it by the legislature has no force or effect. Hammond v. Harvey, 410 S.W.3d 306, 309 (Tenn. 2013). As such, in determining whether a board’s decision was in excess of its statutory authority, the focus of the inquiry is on whether the challenged decision was “based on an express statutory grant of authority or . . . arise[s] by necessary implication from an express statutory grant of authority.” Id.

A decision of a civil service board is arbitrary or capricious “when there is no substantial and material evidence supporting the decision.” StarLink Logistics Inc., 494 S.W.3d at 669. Additionally, a decision by a board is arbitrary and capricious “if it is not based on any course of reasoning or exercise of judgment, or . . . disregards the facts or circumstances of the case without some basis that would lead a reasonable person to reach the same conclusion.” Id. (citation modified). “If there is room for two opinions, a decision

is not arbitrary or capricious if it is made honestly and upon due consideration.” Id. (citation modified). Therefore, we will not overturn a board’s decision “acting within its area of expertise and within the exercise of its judgment solely because the [C]ourt disagrees with [a board’s] ultimate conclusion.” Id. (citation modified).

Our review of a civil service board’s factual findings is limited to determining whether the board’s “basis for making the findings was reasonably sound.” Pittman v. City of Memphis, 360 S.W.3d 382, 388 (Tenn. Ct. App. 2011). A civil service board’s factual findings must be supported by substantial and material evidence. Tenn. Code Ann. § 4-5-322(h)(5)(A)(i) (2021). Substantial and material evidence “is less than a preponderance of the evidence, and more than a scintilla or glimmer of evidence.” StarLink Logistics Inc., 494 S.W.3d at 669 (citation modified). While this Court will “take into account whatever in the record fairly detracts” from the substantiality of the evidence, we cannot substitute our judgment for that of the civil service board “as to the weight of the evidence on questions of fact.” Tenn. Code Ann. § 4-5-322(h)(5)(A)(ii) (2021). Therefore, we “do not second-guess the agency as to the weight of the evidence[,] . . . even if the evidence could support a different result.” StarLink Logistics Inc., 494 S.W.3d at 669.

II. Substantial and Material Evidence

Petitioner contends that the Pension Board’s denial of his line-of-duty disability retirement application was arbitrary and capricious because the Pension Board “failed to follow its own policy.” However, the only way Petitioner alleges that the Pension Board failed to follow its own policy is by not granting Petitioner’s application based on the evidence in the record.

Additionally, Petitioner contends that the administrative law judge exceeded her authority by “ignore[ing] the evidence in the record and substitute[ing] evidence that [was] contrary to the record” when she affirmed the Pension Board’s denial. But again, the only way Petitioner alleges that the administrative law judge exceeded her authority is by not granting Petitioner’s application based on the evidence presented.

As such, we address the Petitioner’s arguments by their commonality—that the Pension Board’s denial was unsupported by substantial and material evidence in light of the record. Petitioner’s arguments regarding the evidentiary support, at worst, ignore the applicable ordinance’s requirement that Petitioner’s PTSD be the result of an accident that occurred at some definite time and place. At best, Petitioner’s arguments point to evidence that does not fairly detract from the substantiality of the evidence but merely could support a different result. Therefore, we affirm the chancery court’s judgment.

To qualify for a line-of-duty disability retirement, the qualifying mental condition must be “the direct and proximate result of an accident sustained by a [city employee] . . . while in the actual performance of duties for the city at some definite time and place.” Memphis, Tenn., Code of Ordinances § 4-4-1(A)(27). Under the ordinance, PTSD is

“compensable as a mental injury arising from an accident.” Cheslock v. Bd. of Admin., City of Memphis Ret. Sys., No. W2001-00179-COA-R3-CV, 2001 WL 1078263, at *4 (Tenn. Ct. App. Sep. 13, 2001). However, “the mental stimulus” causing PTSD “must be fright, shock, or an acute sudden or unexpected emotional stress.” Splain v. City of Memphis, No. 02A01-9511-CH-00259, 1996 WL 383297, at *3 (Tenn. Ct. App. July 10, 1996). PTSD is not compensable under the ordinance “when caused by a gradual build-up of stress over a period of time or by repetitive mental trauma.” Cheslock, 2001 WL 1078263, at *4. Instead, the ordinance requires that PTSD “be the direct result of an accident which occurred at some definite time and place.” Id.

In Splain, for example, a veteran police officer applied for a line-of-duty disability retirement with Respondent after being diagnosed with PTSD and major depression. 1996 WL 383297, at *1. The officer “detailed twelve specific examples of traumatic events . . . that he had experienced on the job” over the span of a decade. Id. at *2. This Court affirmed the civil service board’s denial of a line-of duty disability retirement as neither the officer nor the independent medical evaluators “could point to a particular stressful event or ‘accident’ that in their opinion was the direct and proximate result of his condition.” Id. at *3.

In applying a similar municipal ordinance, this Court affirmed the denial of a line-of-duty disability retirement for a firefighter despite the existence of “strong countervailing evidence.” Sloan v. Emp. Benefit Bd. of Metro. Gov’t of Nashville & Davidson Cnty., Tenn., No. M2017-01342-COA-R3-CV, 2018 WL 3999270, at *8 (Tenn. Ct. App. Apr. 30, 2018). In Sloan, the firefighter argued that her medical records indicated that a specific event caused her PTSD. Id. at *3. The firefighter alleged that she began suffering from PTSD after she was dispatched to the wrong address, arriving at the correct address ten minutes later, and it was too late to prevent the victim from dying. Id. at *3 n.3. However, the firefighter’s “treating medical professionals repeatedly noted that [she] was exposed to multiple traumatic events and work-stress during her years working” for the fire department, “all of which contributed to her PTSD.” Id. at *8. Based on the applicable standard of review, this Court held that “there was evidence, both substantial and material, presented to” the board to support the board’s conclusion that the firefighter did not qualify for a line-of-duty disability retirement. Id.; see also Cheslock, 2001 WL 1078263, at *4-5 (holding that despite having identified two specific traumatic events, there was substantial and material evidence that a police officer’s PTSD “was not the result of an accident occurring at a definite time and place, but rather caused by a gradual buildup of stress”).

In contrast, this Court has previously concluded that a police officer’s PTSD was caused by an incident at a definite time and place despite a delayed onset of two years. Stambaugh v. Metro. Gov’t of Nashville & Davidson Cnty., No. M2017-02203-COA-R3-CV, No. 2019 WL 365129, at *4-5 (Tenn. Ct. App. Jan. 29, 2019). In Stambaugh, the police officer was involved in the pursuit of a suspect who was eventually shot and killed. Id. at *1. The officer began “experiencing emotional problems and nightmares soon after the

shooting,” but was not diagnosed with PTSD until over two years later. Id. The officer had been “able to perform his police duties well until the shooting incident” and each of the medical professionals who evaluated the officer identified the shooting incident as the cause of his PTSD. Id. at *4-5. As such, this Court concluded that the police officer’s PTSD was compensable under the applicable municipal ordinance. Id. at *5.

Here, the Pension Board’s denial was supported by substantial and material evidence that Petitioner’s PTSD was the result of repetitive mental trauma rather than an accident that occurred at some definite time and place. The case manager’s summary listed Petitioner’s date of injury as 2018. Petitioner reported to Dr. Caruso that he began having PTSD symptoms in late 2019. Dr. Caruso’s report stated that Petitioner first sought treatment for PTSD in February 2021. Dr. Al-Taher’s report listed November 2020 as Petitioner’s date of injury. Dr. Al-Taher’s report also stated that Petitioner began experiencing PTSD symptoms as early as March 2019.

Likewise, the case manager’s summary listed the “triggering event” that caused Petitioner’s PTSD as “varies.” Just like in Splain, Dr. Al-Taher reported that Petitioner’s job had “exposed him to many traumatic experiences.” Likewise, Dr. Caruso reported that there had been seven or eight calls that had stuck with the Petitioner. Petitioner described six calls in detail to Dr. Caruso. The earliest occurred in 2018 and the latest occurred late in 2020. In diagnosing Petitioner with PTSD, Dr. Caruso stated that it was “directly caused by [Petitioner] performing his job duties, specifically his exposure to psychologically traumatic events.” Unlike in Stambaugh, neither doctor identified a specific event occurring at a definite time and place as having caused Petitioner’s PTSD.

Petitioner argues that during the administrative hearing he identified a triggering event that occurred at a definite time and place and caused his PTSD. Petitioner testified that he started to have issues after he was flagged down to assist a victim who had been dragged by a car. While this is countervailing evidence to the Pension Board’s factual findings, it is weaker than the evidence this Court rejected in Sloan. Petitioner was unsure of the date of this event, recalling that it occurred sometime in the summer of 2019. It is unclear from the record whether Petitioner reported this event to Dr. Al-Taher. Nonetheless, Petitioner reported to Dr. Al-Taher that he began experiencing PTSD symptoms as early as March 2019. While Petitioner did report this incident to Dr. Caruso, it was one of two incidents that he reported from 2019. Petitioner also recalled an incident from 2018 and three incidents from 2020 during his evaluation with Dr. Caruso. While Petitioner’s testimony is countervailing evidence, there is more than a scintilla or glimmer of evidence supporting the Pension Board’s finding that Petitioner’s PTSD was the result of repetitive mental trauma.

Accordingly, we affirm the chancery court’s judgment.

III. Retroactive Application of Statutory Presumption

Petitioner contends that a recently enacted statutory presumption should be retroactively applied to his case. The statute creates a rebuttable presumption that PTSD caused while working as a firefighter was incurred in the line of duty. However, Petitioner has waived this issue by failing to raise it in the chancery court.

The James “Dustin” Samples Act creates a rebuttable presumption that a firefighter’s PTSD was incurred in the line of duty and “is compensable under the Workers’ Compensation Law.”² Tenn. Code Ann. § 7-51-206(c)(1) (Supp. 2025). The presumption applies when a firefighter is diagnosed with PTSD by a mental health professional “as a result of responding to one [] or more incidents” that involve one of four statutory factors. Id. § 7-51-206(c)(1)-(2). The statute initially went into effect on January 1, 2024.³ 2023 Tenn. Pub. Acts c. 465, § 4.

“It has long been the general rule that questions not raised in the trial court will not be entertained on appeal.” King v. Sevier Cnty. Election Comm’n, 282 S.W.3d 37, 41 (Tenn. Ct. App. 2008) (quoting Lawrence v. Stanford, 655 S.W.2d 927, 929 (Tenn. 1983); see also Tenn. R. App. P. 36(a) (providing that relief is not required for “a party responsible for an error or who failed to take whatever action was reasonably available to prevent or nullify the harmful effect of an error).

Petitioner applied for a line-of-duty disability retirement in August 2021, before the statute was enacted. His application was denied in early 2022, and he then appealed the Pension Board’s denial to an administrative law judge. The administrative law judge affirmed the Pension Board’s denial in May 2023. In July 2023, Petitioner filed a petition for judicial review in chancery court. While his petition was pending, the statute went into effect on January 1, 2024. His petition was pending in chancery court until July 2025. At no point did Petitioner raise with the chancery court the issue of the statute or its retroactive application to his petition. Accordingly, Petitioner has waived our review of this issue.

Conclusion

Finding no error, we affirm the judgment of the chancery court.

/s/William E. Phillips II
WILLIAM E. PHILLIPS II, JUDGE

² While Respondent has opted out of Tennessee’s workers’ compensation system, this Court has previously relied on case law “regarding [the] compensability requirements” of workers’ compensation law when addressing Respondent’s line-of-duty disability retirement ordinance and applications involving a PTSD diagnosis. Cheslock, 2001 WL 1078263, at *2.

³ The Act was amended, effective July 1, 2025, to also apply the rebuttable presumption to law enforcement officers and emergency medical responders. 2025 Tenn. Pub. Acts c. 480.