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NO. COA02-329

NORTH CAROLINA COURT OF APPEALS

Filed: 3 December 2002

CARRIE TAYLOR,  
Employee,  
Plaintiff

v.

North Carolina Industrial Commission  
I.C. File No. 824724

K-MART CORPORATION,  
Employer,  
Self-Insured

and

CAMBRIDGE INTEGRATED SERVICES,  
Servicing Agent,  
Defendant

Appeal by employee from opinion and award of the North Carolina Industrial Commission filed 28 November 2001. Heard in the Court of Appeals 14 November 2002.

*Carrie C. Taylor, plaintiff-appellant, pro se.*

*Cranfill Sumner & Hartzog, L.L.P., by Patrick H. Flanagan, for defendant-appellees.*

PER CURIAM

I. Background

Carrie Taylor, (“plaintiff”), began her employment with defendant Kmart, (“employer”) in 1981 at a Kmart in Raleigh. She transferred to the Kmart store in Williamston, worked there five years, and then transferred to Kmart in Washington where she worked as the Sporting Goods

Manager until February 1996. At that time, she was promoted to Assistant Store Manager in charge of hardlines and was transferred to the Kmart store in Wilson.

Plaintiff's duties as the Hardlines Manager were to ensure completion of layouts, price changes, ordering merchandise, stocking the shelves, managing employees within the department, and serving customers. Plaintiff performed manual labor in stocking shelves and unloading freight when no other employees in her department were available.

Plaintiff was salaried and did not have set working hours. Plaintiff contends that she was required to work very long hours. The Commission found that it was not unusual for assistant managers to work 60-70 hours per week.

Plaintiff testified that during her work at the Kmart in Wilson she was harassed by her manager and co-employees. Plaintiff contends that her co-workers called her names and that she came to believe they bugged her home to listen to her conversations. Plaintiff also asserts that co-workers drove by her home and shot at her windows.

Plaintiff testified that similar harassment activity had occurred at the Washington Kmart store during her employment there. Plaintiff asserted that while working there she and her daughter were drugged and raped at least twice in their home. Plaintiff believes that the Washington store manager facilitated the rapes.

On 6 March 1998, plaintiff saw Dr. Arvo Kanna with East Carolina Neurology for numbness, weakness, and shooting pains experienced in her upper and lower extremities. Kanna believed plaintiff exhibited paranoid delusions and did not find any objective physical problem to explain plaintiff's symptoms.

Dr. Celeste Good, a psychiatrist, began treating plaintiff. Good testified that plaintiff suffered from a paranoid delusional disorder which pre-existed her employment at the Wilson

Kmart. Dr. Good did not believe that plaintiff's condition arose from her work but that the stressful environment could have exacerbated the problem.

Plaintiff filed a workers' compensation claim against employer. Employer denied compensation to plaintiff. Deputy Commissioner Phillip A. Holmes heard the matter and awarded plaintiff no benefits in his order filed on 15 March 2001. Plaintiff appealed the decision. The Full Industrial Commission ("Commission") heard the case on 28 October 2001. The Commission adopted the deputy's findings of fact and affirmed the holding of the deputy commissioner denying plaintiff's claim due to insufficient medical evidence. Plaintiff appeals.

## II. Standard of Review

We review opinions of the Commission for a determination whether there was competent evidence before the Commission to support its findings of fact and whether those findings support the Commission's conclusions of law. *Counts v. Black & Decker Corp.*, 121 N.C. App. 387, 389, 465 S.E.2d 343, 345, *disc. review denied*, 343 N.C. 305, 471 S.E.2d 68-69 (1996). The Commission's findings are conclusive if supported by competent evidence even though the evidence might support contrary findings. *Jones v. Candler Mobile Village*, 118 N.C. App. 719, 721, 457 S.E.2d 315, 317 (1995) (citation omitted).

## III. Competent Evidence

Plaintiff challenges that there was insufficient evidence for the Commission's findings of fact. All of the Commission's findings are supported by competent evidence in the record even though contradicted by plaintiff's own testimony. The findings of fact support the Commission's conclusion of law that plaintiff did not show an injury arising out of her employment. At bar, there is no other legal basis upon which we can review the Commission's holding. Plaintiff's

assignments of error other than her contention that the findings of fact are not supported are dismissed. We affirm the opinion and award of the Commission.

AFFIRMED.

Panel consisting of Judges WALKER, McCULLOUGH and TYSON.

Report per Rule 30(e).