

A funny thing happened on the way to the office

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Workers' Compensation benefits are available to an injured worker if their injury arises out of the course and scope employment. For the most part, a covered claim is easy to determine. Any injury, which occurs while doing work for the benefit of the employer, while on the employer's premises during working hours, is "compensable" or a claim that will be accepted. There are, however, several gray areas regarding what constitutes "arising out of the course and scope of employment." Some of these gray areas have been more clearly defined over the years, while some continue to evolve in the courts.

For example, the courts have determined that employees injured while traveling to and from work are not in the course and scope of employment. On the other hand, employees traveling on employer business or employees off premises, but on a special errand for the employer are covered. It has also been found that employees on a personal break or at lunch on the employer's premises are also in the course and scope of employment. Likewise, an employee attending an employer sponsored party or recreational activity is in the course and scope if attendance was expected or the employee's attendance benefited the employer.

I have encountered scenarios of questionable course and scope over the years, and consider the following among the funniest.

The first, involved a woman skateboarding with a friend past her place of employment over the weekend who decided to pop in and check her work schedule for the coming week. After checking her schedule, she skateboarded down the ramp and fell, injuring her leg. She filed a claim with her employer, alleging that she was injured in the course and scope of employment. As one would expect, the insurance company denied benefits. As one might not expect, the court later deemed the claim compensable.

Another situation involved a man who while training for a bartender job went to the bar over the weekend to observe how to mix some of the cocktails. While watching, he was also drinking. Not wanting to drink and drive, he decided to take a nap on the hood of his car and sleep it off - only he rolled off the hood of his car and broke his arm. The insurer denied this claim, and the court ruled this was not compensable.

Course and scope is not always black and white; there is sometimes a bit of gray. Over the years, I have seen some interesting claims; some which one would never expect to be deemed in the course and scope of employment, but wound up to be a covered claim. Therefore, if an employee alleges they were injured on the job, even if you don't agree, you must report the claim to your insurance carrier.

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