

MACCOLL BUSCH SATO, PC



Course and Scope Overview

October 3, 2013

By Thomas P. Busch and Daniel J. Sato



Compensability



“A compensable injury is an accidental injury arising out of and in the course of employment”

Arising Out Of



1. Risk connected with the nature of the work
OR
2. Risk to which that work environment exposed claimant

In The Course Of



Examines the time,
place and circumstances of the injury.

Called The Work Connection Test



The work connection test may be satisfied if the factors supporting one prong of the test are minimal while the factors supporting the other prong are many.

Both prongs must be satisfied to some degree.



There is no mechanical formula for determining whether an injury is compensable. The Board and Court will evaluate factors in each case to determine whether claimant's injuries are sufficiently connected to employment to be compensable.

Going And Coming



Not compensable



Enterprise Rent-a-Car v. Frazer



- Twisted ankle on paid break while crossing parking lot
- Going and Coming?
- Board: Claim compensable because claimant was on a “brief break” and only traveled 100 ft
- COA: Not compensable

Parking Lot Exception





Injuries occurring while coming to or going from work may be compensable if they occur in the parking lot of the employer.

Falls Off Bus On Employer's Driveway



Kuana L. Blackmon



- Twisted ankle on paid break while crossing parking lot
- Going and Coming?
- Parking lot exception?
- Board: Not compensable since there was not a risk connected to the worker's employment

Back

10

37



Back

10

37



C O M P E N S A B L E

E N B O E C
A M W S P L



NOT
COMPENSABLE



Back

10

37



Back

10

37



C O M P E N S A B L E

E N B O E C



A M W S P L



Back

10

37

AWESOME!

You've guessed the word.

C O M P E N S A B L E

243

C O M P E N S A B L E

CONTINUE



Back

10

37



Back

10

37

AWESOME!

You've guessed the word.

C O M P E N S A B L E

243

C O M P E N S A B L E

CONTINUE

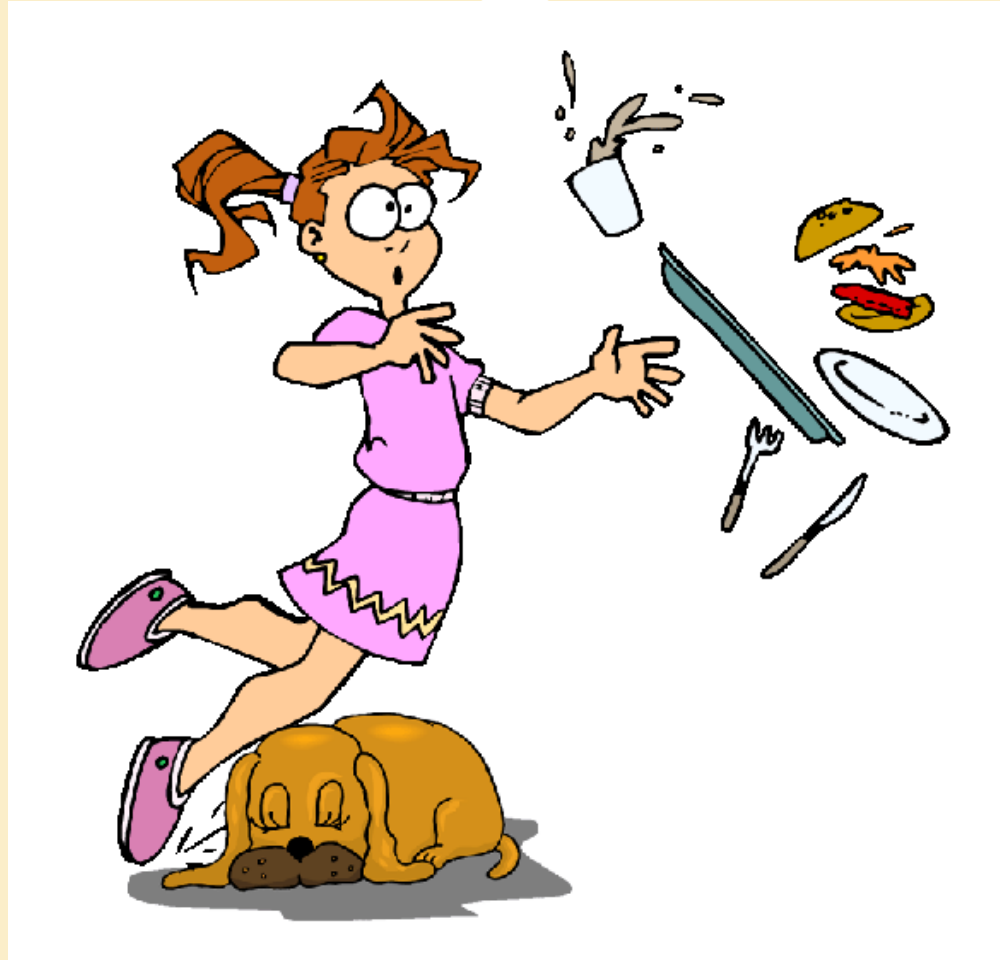


Working From Home



*What happens when your work is
also your home?*

Trip And Fall At The Home Office



Sandberg v. JC Penney Co.



COMPENSABLE

Traveling Employees



*A traveling employee is continuously
within the course and scope of
employment while traveling*

- Except personal errands
- Key Q: Was injury reasonably related to employee's travel status?

Accident Driving From A Remote Worksite



Bruce Hohensee



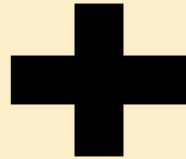
In the Course of Employment



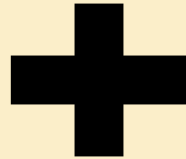
COMPENSABLE



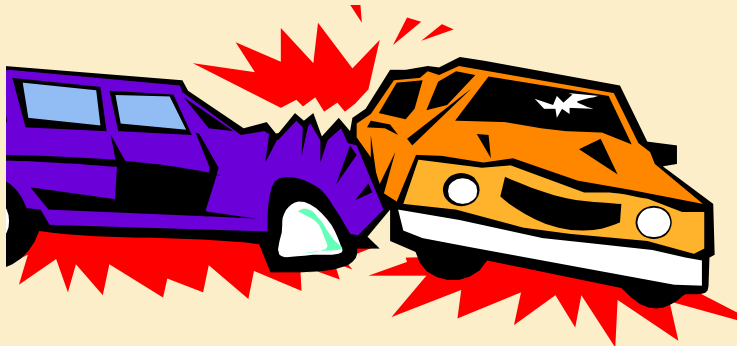
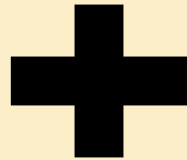
A Business Trip



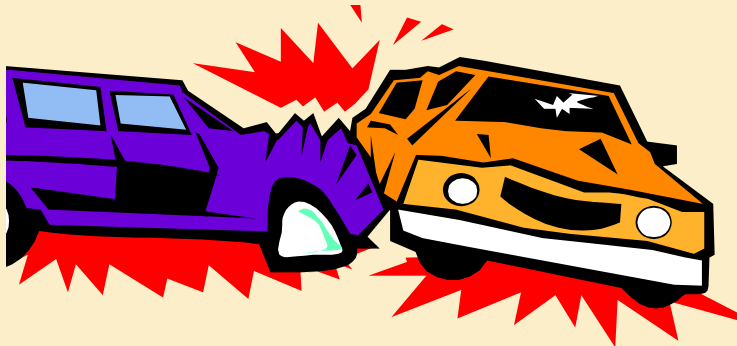
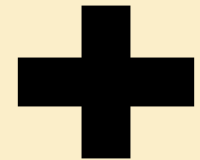
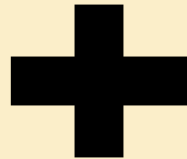
A Business Trip



Business Trip Gone Wrong



Sosnoski v. SAIF Corp.



COMPENSABLE
CLAIM

Traveling Employee



John E. Schlosser



COMPENSABLE



On Call Status



Stun Gun Tow Truck Driver



DAVID W. SISCO

A black handgun is shown from a side profile, pointing towards the left. The barrel is open, and a bright blue lightning bolt is visible inside, suggesting a high-voltage or electrical theme. The background is dark. Overlaid on the image is the text "NOT COMPENSABLE BUT" in large, bold, red capital letters, slanted diagonally from the top left to the bottom right.

**NOT
COMPENSABLE
BUT**

Driving With Attitude



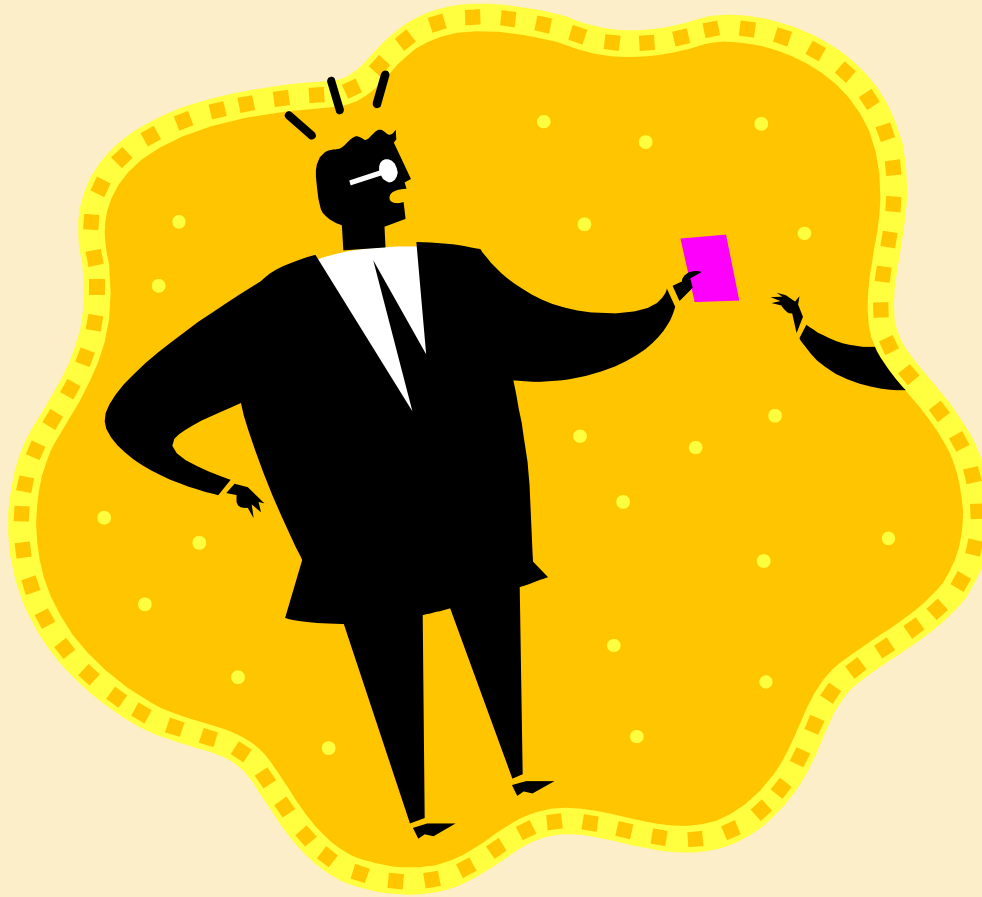


**Everyone has a
plan until they
get punched in
the mouth.**

Herbert J. Logsdon



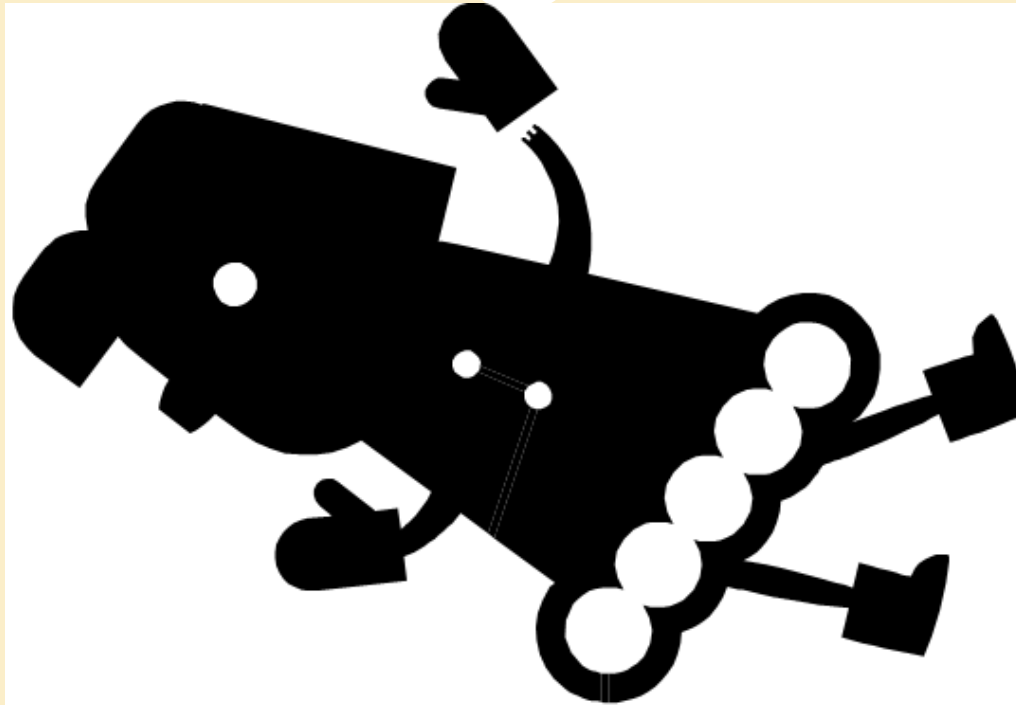
Injury After Termination



Bidyut v. Bhattacharyya



Arising Out Of: Idiopathic Falls



Hamilton v. SAIF Corp



**NOT
COMPENSABLE**

In the Course of Employment



Mendoza v. Liberty Northwest Ins.



To Be Decided



And in other news....



Questions?



Thomas P. Busch

tbusch@mcbuslaw.com

Daniel J. Sato

dsato@mcbuslaw.com

MacColl Busch Sato

5335 Meadows Road, Suite 400

Lake Oswego, OR 97035

503-597-6200

MACCOLL BUSCH SATO, PC



Thank You