

**THE MONTH IN PENNSYLVANIA WORKERS' COMPENSATION:
APRIL 2016 AT A GLANCE
BY MITCHELL I GOLDING, ESQ.
KENNEDY, CAMPBELL, LIPSKI & DOCHNEY
(W) 215-861-6709**

COURSE AND SCOPE

- The claimant, who injured his knee in employer's parking lot because he fell running on employer's parking lot to get to his car to attend to a personal emergency involving his family, did not suffer an injury in the course and scope of his employment because he was not furthering the business or affairs of his employer at the time of his injury and his injury was not caused by the condition of the premises.
- Generally, an injury suffered while traveling to or from work is not considered to have occurred in the course and scope of employment. However, if the injury is suffered on the employer's 'premises' at a reasonable time before or after the work period, the claimant is entitled to benefits.

An employee who is not furthering the business or affairs of his employer must prove he or she is within the course of his or her employment by satisfying the following three conditions: (1) the injury must have occurred on the employer's premises; (2) the employee's presence thereon was required by the nature of his employment; and (3) the injury was caused by the condition of the premises or by the operation of the employer's business thereon.

In this matter although the claimant satisfied the first two prongs of the test he did not satisfy the third prong because his injury was not caused by a condition of the employer's parking lot. The claimant fractured his kneecap while running across Employer's parking lot to his car at which time the claimant heard a popping noise and felt excruciating pain. Claimant's foot then made contact with the parking lot and he collapsed, unable to bear any weight on his leg. The parking lot did not cause or contribute to the causative chain to Claimant's injury.

Quality Bicycle Products, Inc., v. WCAB(Shaw) No. 1570 C.D. 2015 (Decision by Senior Judge Friedman, April 25, 2016) 4/16