

## Lucas Csovelak successfully defends an employer in matter of firefighter employee claim

Successfully defended an employer in a matter where the employee was a paid firefighter and sustained an alleged work injury to his knee while running on an off premises track. Although the firefighter claimed that his position necessitated physical fitness, his superiors testified that no physical requirements were placed on firefighters and the employer did not conduct fitness testing. The employer argued the firefighter was outside the course and scope of his employment when he injured his knee. In his brief, the firefighter cited a case discussing a police officer who was granted benefits as a result of an injury that occurred when he was running off duty. The employer cited the same case, providing in depth analysis which distinguished the rule established by the Court. The employer highlighted the fact that the Court granted benefits in the police officer's case because the police department mandated physical fitness requirements and exercise furthered the interests of the police department. In the firefighter's case, physical fitness requirements were not mandated. The Workers' Compensation Judge agreed with the employer's argument and denied workers' compensation benefits.