

07.17.17

Weber 
Gallagher

Court Rules Worker Injured on Day Off Entitled to Workers' Compensation Benefits

The New Jersey Workers' Compensation Statute defines compensable accidents as those "arising out of and in the course of employment." N.J.S.A. 34:15-7. Issues often arise regarding compensability when a worker sustains an injury while either away from the employer's premises or "off the clock." In the matter of *Grawehr v. Township of East Hanover*, the New Jersey Appellate Division, in an unpublished opinion, recently addressed the issue of whether a worker who is injured on the employer's premises on his day off is entitled to workers' compensation benefits.

The employee, a police officer, sustained an injury to his shoulder in the parking lot of the East Hanover Township Police Department when he slipped on ice on December 9, 2011. Officer Brian Grawehr testified that he was not scheduled to work on the day of the accident. He went to his office to pick up his pay stub and to check his personal file to determine if he was scheduled for any upcoming municipal court hearings. A recent merger of municipal courts with the Township of Hanover had led to officers missing scheduled hearings. Officer Grawehr testified that officers had been disciplined for failing to appear. In addition, tensions had built between the municipal court staff and the police officers. The court noted that the officer himself had never missed a court hearing, nor were any hearings scheduled before December 22, 2011. Officer Grawehr's superior officer confirmed that many officers came to the office on their days off to check their personal file, although there was no requirement for them to do so.

The Appellate Court addressed two separate issues regarding compensability.

First, it ruled that compensability attached even though the officer fell in the police headquarters parking lot. The Court noted that injuries occurring on an employer's premises, while in the course of employment, are compensable even if the injury occurs before or after the workday begins or ends. *Konitch v. Hartung* 81 N.J. Super. 376 (App. Div. 1963) cert. denied, 41 N.J. 389 (1965).

Second, it looked to the reasons why the officer was present at police headquarters on the day of the accident. The Court acknowledged that an injury occurring at work is not a sufficient basis alone for finding compensability, and that there must be some casual connection between the accident and the employment. *Mule v. N.J. Mfrs. Ins. Co.* 356 N.J. Super. 389, 397 (App. Div. 2003). However, an injury is compensable if an employee is performing an act that is mutually beneficial to the employer, even if the injury occurs after work hours. *Salierno v. Micro Stamping, Co.* 136 N.J. Super. 172 (App. Div. 1975). The Court held that the officer checking his file for upcoming court appearances was mutually beneficial to the employer. It specifically noted that the chaos existing with the merger of the two municipal courts led officers to miss court hearings. Therefore, it was a benefit to the employer for the officer to check on upcoming hearings. The Court ruled that this benefit was sufficient enough to apply the "mutual benefit" doctrine and outweighed the personal nature of the officer's appearance at headquarters to pick up his pay stub.

Compensability of injuries occurring during times other than regular work hours are assessed on a case-by-case basis and are particularly fact sensitive. Although there are few bright line rules to determine compensability in such cases, the ruling above does demonstrate that courts will apply the "mutual benefit" liberally in order to find compensability.

For more information, please contact Scott Wilson at 856.667.9111 or swilson@wglaw.com.

Disclaimer: The content of this post are for informational purposes only, are not legal advice and do not create an attorney-client relationship.

07.17.17

Weber 
Gallagher