

COMPENSATION NEWS

MONTHLY REPORT

AN APPELLATE COURT HAS DISALLOWED A COMPENSABLE CONSEQUENCE BASED ON GEOGRAPHIC LIMITATIONS

This is a published decision of the appellate court.

This is a very significant case for workers' compensation principles.

The applicant had two admitted industrial injuries. The applicant resided in San Diego and was receiving treatment eight miles from her home.

The applicant went to visit her mother 136 miles from

her home. The applicant claimed she was going home to go to a medical appointment. On her journey, she was in a motor vehicle accident. She claimed this accident was a compensable consequence of her industrial injury.

The Workers' Compensation Judge (WCJ) indicated that the accident was a compensable consequence of the two original industrial injuries. The defendant appealed this ruling and the Workers' Compensation Appeals Board (WCAB) overturned the WCJ decision.

The appellate court reviewed the Laines decision, of the Supreme court, which allowed the journey to the medical appointment to be a compensable consequence of the original injury.

However, that case did not address whether there is a geographical limitation. Here the court indicated there has to be a reasonable geographic limitation on an employer's compensability risk. This will be on a case by case basis.

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