

# (Not So) Normal Working Conditions

There are certain lines of work where you might expect to have a gun pointed at you, for example, law enforcement. But if you work in a retail job, chances are you aren't expecting to be robbed at gunpoint in the normal course of a workday. If that *were* the case, you might not even apply in the first place.

But a recent court decision again brought that issue to the forefront: is there ever a time when an armed robbery is a "normal" part of a retail job?

## The Case in Question

On November 28, 2009, Walter Wetzel, night manager at Parkway Service Station in Pittsburgh, Pa., was robbed at gunpoint. He took heroic action, chasing the robber and getting caught under the getaway car. As a result, Wetzel sustained a traumatic brain injury and ultimately died.

The initial lawsuit resulted in workers' compensation benefits to Mr. Wetzel's estate, but did *not* cover substantial medical expenses or burial costs. An appeal by his employer didn't help; the workers compensation board ruled that pursuit of a robber wasn't in his job description. Fortunately for the Wetzel family, they didn't stop there. After an appeal, the Pennsylvania Commonwealth Court recognized that the heroic act was not far removed from the course of employment and [reversed the earlier decision](#), ultimately getting his family the help they needed.

## A Similar Case, Similar Outcome on Appeal

At Martin Law, we handled a similar case that went all the way to the Pennsylvania Supreme Court. Greg Kochanowicz worked as the manager of a Pennsylvania liquor store. In April 2008, he

was robbed at gunpoint and bound with duct tape. As a result, he suffered from Post-Traumatic Stress Disorder and could not return to work.

The initial ruling on the case granted workers' compensation benefits to Kochanowicz. An appeal by the Pennsylvania Liquor Control Board halted those benefits, ruling that the robbery was within normal expectations for the job.

We disagreed. Al Carlson, Greg Kochanowicz's attorney, said it well. "This is not someone in the armed forces or law enforcement who understands that danger is a risk every day at work. This is someone who did his job for 30 years without incident, then faces a single, terrifying, life-threatening occurrence at that job. This is absolutely not a normal working condition. If you deny this man the means to get the medical help he needs, how can he return to *any* job?"

Our court system is set up with checks and balances for just such cases. We took the case to the top court in the state, and they ruled in our favor.

### **For More Information, Talk to Us**

At Martin Law, we strive to ensure that those who have suffered an injury at work receive the benefits to which they are entitled. If you have questions regarding issues discussed in this article, feel free to call us at (215) 587-8400.