

Man who fell after quitting his job is eligible for workers' comp

Can you receive workers' compensation benefits for an injury that happened after you quit your job? In at least one case, the answer is yes. In a recent case decided by the Pennsylvania Commonwealth Court, a worker argued that he should obtain benefits for injuries that happened after he quit – and the court agreed.

The issue: In order to be eligible for workers' compensation benefits, a worker must have been within the scope of employment at the time of the accident or injury. The question in this case was whether the worker was within the scope of employment when he had just quit.

According to an [article in Business Insurance](#), the man was a driver who made deliveries for a health care firm. He had been on call over weekend, and asked his manager to reduce the number of stops when he came to work that morning. She refused, and he quit. The manager escorted him to a truck to get his belongings. As he walked with her after getting them, he tripped, fell and injured his left side.

The worker initially called a couple days after the accident to request a physician referral. According to a news article, he was told that the company only provided physicians for active employees. In 2007, the worker filed a civil lawsuit to seek damages for his fall. The company then argued that the man was working at the time of his injury. Workers who are eligible for workers' comp are generally unable to file civil lawsuits.

In response, the worker filed a workers' comp claim. A workers' compensation judge awarded benefits to the man, but

the company appealed – twice. It argued that the injuries shouldn't have been covered by workers' compensation because the man quit his job before he fell. Finally, the matter came before the Pennsylvania Commonwealth Court.

The court recently ruled that the man is eligible for workers' comp benefits. It said the employer used inconsistent arguments when it said that the man was not able to file a civil suit because workers' compensation was the exclusive remedy, but that he should also not receive workers' compensation because he had quit. The court's ruling: termination will not prevent a worker from receiving benefits if the worker is under following the employer's direction on the employer's property.

Source:

- Our law firm represents injured workers in workers' compensation matters in Philadelphia and other areas of Pennsylvania. To learn more about how we help truck drivers, see our page on workers' comp and commercial drivers.