

Employer's Premises Should be Construed Liberally, Says PA Supreme Court

(Philadelphia) – The Pennsylvania Supreme Court yesterday issued an affirmative ruling upholding the original Workers' Compensation Judge's decision to award benefits. The ruling upholds benefits previously awarded to a U.S. Airways (American Airlines) flight attendant and Martin Law client Betty Bockelman for a nondisplaced left ankle fracture she sustained after slipping while aboard the city owned and operated shuttle to the employee parking lot on her way home.

THE DETAILS

Bockelman is a flight attendant of U.S. Airways based out of Philadelphia International Airport. On January 23, 2015 after completing a one-day trip from Philadelphia to Miami, Bockelman was returning to her car parked in the Employee lot via an airport employee only shuttle. As she was getting her things she slipped and fell crushing her left foot.

In June 2015, Bockelman along with her attorney [Al Carlson](#) filed a claim petition for her to receive both medical and indemnity benefits for the time she was out of work. In April 2016, the Workers' Compensation Judge awarded Bockelman's claim petition stating that she was within the course and scope of her employment and entitled to indemnity benefits, up until April 19, 2015 at which point she returned to work, and ongoing medical benefits. U.S. Airways appealed the decision stating the employee was not on their premises as the City of Philadelphia owned and operated the parking lot and employee shuttle and therefore was not within the course and scope of her employment. The WCAB and Commonwealth Court affirmed the WCJ's decision and US Airways again appealed to the Supreme

Court.

WHAT THIS MEANS FOR THE CLIENT

When the workers' compensation judge awarded Bockelman's claim petition she was entitled to receive indemnity benefits for the four months that she was out of work along with a statutory interest on the compensation and to have her past and ongoing medical bills associated with the fractured ankle paid. Since Bockelman had returned to work during the course of the litigation her indemnity benefits were for a closed period, while her medical benefits will be paid until it is deemed she is fully recovered from the injury.

WHAT THIS MEANS FOR EMPLOYEES WHOM USE A DESIGNATED PARKING LOT

The court reaffirmed the lower court's decision that any area that is customarily used as a means of ingress to or egress from the employer's premises can be considered part of the premises, regardless of ownership.

Attorney Al Carlson feels that "this is an important decision, as it effects not only everyone working at the Philadelphia International Airport, but anyone whom is injured in Pennsylvania in a similar situation."

With [sixteen attorneys](#) and [seven offices](#) in Bristol, Allentown, Reading, Malvern, Sunbury, Camp Hill and Philadelphia, Martin Law is one of the largest firms in Pennsylvania of its kind, focusing solely on [Workers' Compensation](#), [Social Security Disability](#), [Long Term Disability](#) and [Veterans' Benefits](#).