Workers' Comp Claims From a Home Office Can Turn On Whether It's "Work"

Workers' Compensation benefits are designed to help those injured at work-even if "work" means a home office. But as one recent tragic case demonstrates, injuries in the home may be given more scrutiny than injuries that take place in a traditional office, factory, or shop environment.

Donald Werner worked as an international sales manager for a company that manufactured specialty cutting tools. In his job, he spent a lot of time on the road. When not traveling, he split his time between the company's office and his basement home office. He had recently cancelled a sales trip to Europe to have some stitches removed from his hand following an unrelated injury, but he was well enough to continue working from his home office.

In the early afternoon of March 8, 2007, his wife found him at his desk, unresponsive and bleeding from the nose. Evidence was later found indicating that after having been in his basement office that morning, he had fallen on his front step and sustained a bloody nose, went back inside, visited the bathroom to deal with the bloody nose, and then went downstairs to his office. Ten days after his wife found him unconscious, he died. Doctors say he suffered a massive cranial hemorrhage.

When his wife filed for workers' compensation benefits for his death (known as a fatal claim petition), the workers' compensation court determined that Werner had not been "working" at the time of the accident, in part because his human resources manager testified that because he cancelled his Europe trip to have stitches removed, she assumed he was

on sick leave. This, combined with evidence that Werner sometimes conducted personal business from his home office convinced the judge that there was no way to know for certain that the injury occurred “at work.” Unfortunately, the state court that heard the appeal of the case agreed.

Had the court determined that Werner had been working at the time of the injury, even a brief break, such as stepping out to his front porch, could have fallen under a well-established “personal comfort” doctrine, which allows certain breaks during the workday such as a visit to the restroom or a step outside for a smoke. But because the workers’ compensation judge was not convinced he was truly working at the time of the injury, his wife’s claim was denied.

In a very similar case, benefits were awarded for a woman who was also working from home and fell while going downstairs to her home office after having a drink in her kitchen. The difference in outcomes illustrates that many workers’ compensation cases can turn on the court’s interpretation of the available facts. Therefore, it’s best to consult an experienced workers’ compensation attorney, to ensure the facts of the case are presented in the best light possible.