

# PA Court Issues Significant Ruling on Course and Scope in Workers' Compensation Case

(Philadelphia) – The Pennsylvania Commonwealth Court yesterday issued an affirmative ruling yesterday upholding the original Workers' Compensation Judge's decision to award benefits. The ruling upholds benefits previously awarded to current flight attendant and Martin Law client Betty Bockelman for the non displaced fracture she suffered in her left ankle when she slipped on water aboard the employee shuttle bus, while returning to her car.

## THE DETAILS

Bockelman is a flight attendant for US Airways based out of the Philadelphia Airport who used the airport supplied employee shuttle to get to and from the terminal after parking in the designated employee lot. In January 2015, after working a round trip between Philadelphia and Miami, Bockelman went to take the shuttle bus back to the employee designated parking lot. While on the shuttle bus, she stepped on water trying to lift her luggage onto the overhead rack and subsequently fell fracturing her left ankle. Bockelman remained out of work until her fracture healed in April 2015, upon which time she returned to her full duty position.

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 January 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 benefits. US Airways appealed the decision stating the shuttle bus was

not part of the Employer's premises. The Workers' Compensation Appeal Board affirmed the WCJ's decision and US Airways again appealed to the Commonwealth 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 medical bills associated with the fracture paid. Since Bockelman had returned to work during the course of the litigation and her fracture was healed by October 2015 according to medical experts her benefits were only for a closed period of time.

## **WHAT THIS MEANS FOR EMPLOYEES WHO USE A DESIGNATED PARKING LOT**

The court decided in this case that any area that is customarily used as a means to access the employer's business can be considered part of the premises, regardless of ownership. Simply it allows employee's who commute to their employer's business by employee shuttle bus after using a designated parking lot, to receive indemnity and medical benefits after an injury by deeming the use of the shuttle bus as part of their course and scope.

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."

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