

Worker's Comp: Court Finds Exception To "Coming And Going" Rule.

After finishing her shift and on her way home a nurse who worked at the hospital through a nurse-staffing agency was struck by a car in a crosswalk and badly injured while walking to her car in the employee parking lot.

Her worker's compensation claim was initially denied based on the "coming and going" rule, that is, the accepted principle that worker's compensation applies only to injuries on the job and not to injuries sustained while commuting to and from work.

An employee's commute does not start, for purposes of worker's compensation, until the employee has left parking facilities provided by the employer.

COURT OF APPEALS OF OHIO
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The Court of Appeals of Ohio found an exception to the "coming and going" rule. If an employee parks in an employer-provided parking facility the employee's commute home does not begin until the employee leaves the employer's parking facility.

The nurse could have parked above the lower levels in the visitors' parking garage which was attached to the hospital, but she would have had to pay. Instead, she chose to park in the lot which was free for hospital employees and for agency personnel, but she had to cross the street.

The court ruled which place she chose to park was irrelevant to the legal issues in this case. She was still on the job for purposes of worker's comp going to her car parked in an area provided by the hospital. Janicki v. Kforce.com, 2006 WL 1793244 (Ohio App., June 30, 2006).