

DISTRICT COURT OF APPEAL OF FLORIDA, FIRST DISTRICT

Urbina v. Kindred Hospital-North Florida

103 So. 3d 244 (Fla. 1st DCA 2012) · Decided December 17, 2012

SUMMARY

The Florida First District Court of Appeal held that an employee injured in a vehicle collision while carrying out an employer-requested errand suffered an injury arising out of and in the course of employment. Because the employer and carrier presented no evidence of a pre-existing medical condition causing the accident, the claimant satisfied the major-contributing-cause requirement. The court reversed the denial of workers' compensation benefits and remanded for entry of a consistent order.

CASE DETAILS

COURT	District Court of Appeal of Florida, First District
WRITING FOR THE COURT	Thomas, J.; Davts, J.; Rowe, J.
JURISDICTION	Florida
DECIDED	December 17, 2012
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Claimant appealed the Judge of Compensation Claims' final order denying workers' compensation benefits after finding that his accident did not arise out of his employment and that he failed to satisfy the major contributing cause requirement.
PRECEDENTIAL VALUE	Published precedential opinion of the Florida First District Court of Appeal
PARTIES	Claimant v. Kindred Hospital-North Florida, Employer/Carrier

TOPICS

workers compensation

employment law

PRACTICE AREAS

workers' compensation

employment law

QUESTIONS PRESENTED

1. Whether the Judge of Compensation Claims improperly applied the major contributing cause standard when denying benefits in the absence of evidence of a competing pre-existing medical condition.
2. Whether an automobile accident occurring while an employee was actively performing an employer-directed errand arose out of and in the course of employment.

HOLDINGS

1. In the absence of evidence that Claimant had a pre-existing medical condition that contributed to the accident or injuries, Claimant satisfied the major contributing cause requirement by establishing that he was operating a motor vehicle at his employer's request, that an accident occurred, and that he was injured as a result.
2. An automobile accident and resulting injuries arise out of and in the course of employment when the employee is actively engaged in employer-directed work activities and is required to use an automobile to travel and perform those duties, even where the accident is alleged to have been caused by an idiopathic condition and no other identifiable risk or medical condition caused the accident or injuries.

KEY QUOTATIONS

“Given the absence of a competing medical condition that caused his injuries, Claimant was “not required to present additional evidence going to the issue of whether the work-related accident was the major contributing cause of the injuries.”” (245)

“Because Claimant’s injuries resulted from a collision which occurred while he was actively engaged in his work activities, and because no other identifiable risk or medical condition brought about the accident or his injuries, Claimant’s injuries arose out of work performed in the course and scope of his employment.” (246)

FACTUAL BACKGROUND

The employer asked Claimant to drive his van to pick up medical equipment. While returning to the employer's facility, Claimant's van struck a telephone pole, injuring him. The parties stipulated that Claimant blacked out at some point during the trip, but there was no evidence that he had a pre-existing condition or that the blackout occurred before the accident. The Judge of Compensation Claims denied benefits, finding that Claimant suffered an idiopathic injury and that driving on public roads did not expose him to a greater danger than that encountered by an ordinary person.

PROCEDURAL HISTORY

Claimant was injured when his van struck a utility pole while he was returning from an employer-directed errand to pick up medical equipment. The Employer/Carrier denied compensability. The Judge of Compensation Claims denied benefits under an increased-hazard analysis, and Claimant appealed. The First District Court of Appeal reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Judge of Compensation Claims' order and remand for entry of an order consistent with the opinion, including an award of workers' compensation benefits.

CASES CITED

- Caputo v. ABC Fine Wine & Spirits, 98 So. 3d 1097 (Fla. 1st DCA 2012)
- Lanham v. Dep't of Env'tl. Prot., 868 So. 2d 561 (Fla. 1st DCA 2004)
- Deturk v. Charlotte County Bd. of County Comm'rs, 642 So. 2d 779 (Fla. 1st DCA 1994)
- Medeiros v. Residential Comtys. of Am., 481 So. 2d 92 (Fla. 1st DCA 1986)
- Longo v. Associated Limo, 871 So. 2d 943 (Fla. 1st DCA 2004)

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