

SUPREME COURT OF IOWA

Xenia Rural Water District and Emcasco Insurance Company v.
Norman Vegors

Xenia Rural Water District and Emcasco Insurance Company v. Norman Vegors · No. 09-0426 · Decided July 23, 2010

SUMMARY

The Iowa Supreme Court reviewed a workers’ compensation claim arising from a coworker’s truck striking the claimant. The court held that the claimant bore the burden of proving the injury arose out of and in the course of employment, including showing that any horseplay did not constitute a substantial deviation from employment. It also held that Iowa Code section 85.16(3) did not bar recovery because the coworker’s conduct was not motivated by reasons personal to the claimant, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Streit, Justice
JURISDICTION	Iowa
DECIDED	July 23, 2010
DOCKET	09-0426
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	A workers' compensation claimant appealed the Iowa District Court's denial of benefits. The district court had reversed the industrial commissioner's award based on the willful-injury affirmative defense in Iowa Code section 85.16(3) and had ruled that the claimant's recovery was barred.

STANDARD OF REVIEW	Workers' compensation decisions are reviewed under Iowa Code chapter 17A. The Supreme Court reviews the district court's decision by applying the Iowa Administrative Procedure Act standards to the agency action. The agency's statutory interpretations are reviewed for errors at law when the legislature has not clearly vested the agency with interpretive authority; otherwise, the court may reverse only if the interpretation is irrational, illogical, or wholly unjustifiable. Agency factual findings may be reversed if unsupported by substantial evidence.
PRECEDENTIAL VALUE	Published and precedential Iowa Supreme Court opinion.
PARTIES	Norman Vegors v. Xenia Rural Water District, Emcasco Insurance Company

TOPICS

workers compensation administrative law judicial review of agency action statutory interpretation
appellate procedure

PRACTICE AREAS

workers compensation administrative law statutory interpretation judicial review of agency action

QUESTIONS PRESENTED

1. Whether the injured employee or the employer bears the burden of proof on whether workplace horseplay constituted a deviation from the course of employment.
2. Whether Vegors's conduct could be determined as a matter of law to constitute horseplay that substantially deviated from his employment and barred workers' compensation benefits.
3. Whether Iowa Code section 85.16(3)'s reference to a willful act of a third party includes an employee's coworker.
4. Whether section 85.16(3) bars compensation when the coworker's conduct arises from the workplace rather than from reasons personal to the injured employee.

HOLDINGS

1. The claimant bears the burden of proving that the injury arose out of and in the course of employment, including establishing that the claimant did not substantially deviate from employment by instigating or aggressively participating in horseplay.
2. A claimant cannot recover for injuries resulting from the claimant's instigation or aggressive participation in horseplay that constitutes a substantial deviation from employment. The agency must assess the claimant's conduct under the four-factor horseplay-deviation analysis identified in the opinion.
3. The term third party in Iowa Code section 85.16(3) can include a coworker.

4. Section 85.16(3) did not bar Vegors's claim because Byrd's act was not taken for reasons personal to Vegors; it arose from the working environment rather than from imported personal animosity or a private dispute.

KEY QUOTATIONS

“Claimant has the burden to establish his injuries arose out of and in the course of employment. A claimant cannot recover for injuries stemming from an employee’s instigation or aggressive participation in horseplay that constitutes a substantial deviation from his employment because such actions do not arise out of and in the course of the employment.” (p. 18)

“Section 85.16(3) is limited to actions which are taken “for reasons personal” to the employee and not as a consequence of the working environment.” (p. 17)

FACTUAL BACKGROUND

Norman Vegors, a machine inspector for Xenia Rural Water District, was injured at work when coworker Casey Byrd attempted to bump him with a truck and instead struck him with the truck bed. Before the incident, Vegors had acknowledged Byrd by wiggling his hind end while his hands were full and then turned back toward his own work. Vegors testified that the gesture was ordinary workplace communication and that he did not intend to challenge Byrd to hit him; other evidence indicated that the employees had been goofing around.

PROCEDURAL HISTORY

The deputy commissioner awarded workers' compensation benefits, finding that Vegors had not initiated, instigated, or participated in the horseplay that led to his injury. The industrial commissioner affirmed and separately held that section 85.16(3) did not apply because a coworker was not a third party. On judicial review, the district court reversed, holding that Vegors's recovery was barred by horseplay and by the section 85.16(3) defense. The Supreme Court of Iowa affirmed in part, reversed in part, and remanded for reconsideration under the correct burden of proof.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must remand to the industrial commissioner for reconsideration under the current record. The commissioner must apply the correct burden of proof and determine whether Vegors substantially deviated from his employment by instigating or aggressively participating in horseplay, considering the four identified factors. The unresolved issues concerning permanent total disability and causal relation need not be addressed by the district court until Vegors's entitlement to benefits is determined.

CASES CITED

- Mosher v. Department of Inspections & Appeals, 671 N.W.2d 501, 508 (Iowa 2003)

- Locate.Plus.Com, Inc. v. Iowa Department of Transportation, 650 N.W.2d 609, 612 (Iowa 2002)
- Mycogen Seeds v. Sands, 686 N.W.2d 457, 464 (Iowa 2004)
- Rojas v. Pine Ridge Farms, L.L.C., 779 N.W.2d 223, 231 (Iowa 2010)
- Renda v. Iowa Civil Rights Commission, ___ N.W.2d ___, ___ (Iowa 2010)
- Quaker Oats Co. v. Ciha, 552 N.W.2d 143, 150, 153-54 (Iowa 1996)
- Miedema v. Dial Corp., 551 N.W.2d 309, 311 (Iowa 1996)
- Ford v. Barcus, 261 Iowa 616, 623, 155 N.W.2d 507, 511 (1968)
- Wittmer v. Dexter Manufacturing Co., 204 Iowa 180, 185, 214 N.W. 700, 702 (1927)
- McSpadden v. Big Ben Coal Co., 288 N.W.2d 181, 186 (Iowa 1980)
- Cedar Rapids Community School v. Cady, 278 N.W.2d 298, 299 (Iowa 1979)
- Iowa Beta Chapter of Phi Delta Theta Fraternity v. State, 763 N.W.2d 250, 263 (Iowa 2009)
- Hartford Accident & Indemnity Co. v. Cardillo, 112 F.2d 11, 17 (D.C. Cir. 1940)
- Leonbruno v. Champlain Silk Mills, 128 N.E. 711, 711 (N.Y. 1920)
- Kohlhaas v. Hog Slat, Inc., 777 N.W.2d 387, 393 (Iowa 2009)