

SUPREME COURT OF VIRGINIA

Vaughan's Landscaping & Maintenance v. Dodson

262 Va. 270 (2001) · No. Record No. 001740 · Decided June 8, 2001

SUMMARY

The Supreme Court of Virginia held that a worker’s injuries sustained while being transported home by his employer arose out of and in the course of employment. The court rejected arguments that the worker’s intoxication and an intervening stop to drink and play horseshoes severed the employment connection, emphasizing that the employer resumed transporting the worker pursuant to the employment-related transportation arrangement.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Senior Justice Henry H. Whiting; Chief Justice Carrico; Justice Lacy; Justice Hassell; Justice Keenan; Justice Koontz; Justice Kinser; Senior Justice Whiting
JURISDICTION	Virginia
DECIDED	June 8, 2001
DOCKET	Record No. 001740
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Court of Appeals of Virginia in a workers' compensation case.
STANDARD OF REVIEW	The Commission's factual findings are not reviewed unless unsupported by credible evidence. The Supreme Court upheld the Commission's factual finding that Vaughan was acting as Dodson's employer when transporting him.
PRECEDENTIAL VALUE	Published opinion with significant precedential value
PARTIES	Vaughan's Landscaping & Maintenance, David Vaughan, Insurance company v. Timothy Jason Dodson

TOPICS

- workers compensation
- employment law

PRACTICE AREAS

workers' compensation

employment law

QUESTIONS PRESENTED

1. Whether Dodson's injury arose out of and in the course of his employment when his employer transported him after work following a period of drinking and pitching horseshoes.
2. Whether Dodson's severe intoxication constituted such an abandonment of employment or deviation from the employment-related purpose of the trip that the injury was not compensable.

HOLDINGS

1. An injury sustained while an employer transports an employee to the employee's requested destination is compensable when the transportation is part of the employer's agreement to provide transportation to and from work.
2. The principle that an employee's advanced intoxication may constitute abandonment of employment did not apply because Vaughan did not expect Dodson to perform additional work after the day's work was completed. The drinking and horseshoes stop did not defeat compensability because the case concerned the employer's resumption of transportation to Luray, not an employee's deviation during the transportation itself.

KEY QUOTATIONS

"If an employer furnishes an employee transportation to and from work, injuries that occur during such transportation are compensable as arising out of and in the course of employment." (at 4)

"In taking Dodson to Luray, Vaughan was fulfilling his agreement as Dodson's employer to provide transportation to and from work." (at 6)

"Accordingly, we hold that Dodson's injuries arose out of and in the course of his employment and that the Commission's award of benefits should be upheld." (at 6)

FACTUAL BACKGROUND

Dodson, a manual laborer for Vaughan's Landscaping & Maintenance, completed lawn-mowing work with Vaughan on June 24, 1995. After work, Vaughan drove Dodson in the employer's truck toward Page County, stopped to pitch horseshoes and drink alcohol, and then resumed transporting Dodson to Luray at Dodson's request. During the resumed trip, Vaughan looked back at a bottle Dodson had thrown from the truck, causing the truck to strike a tree and injure Dodson's arm.

PROCEDURAL HISTORY

A deputy commissioner denied Dodson workers' compensation benefits, finding that his advanced intoxication constituted abandonment of his employment. The Virginia Workers' Compensation Commission reversed and awarded benefits. A panel of the Court of Appeals reversed, but on rehearing en banc the Court of Appeals

affirmed the Commission without an opinion by an evenly divided court. The Supreme Court of Virginia granted Vaughan's appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- American Safety Razor Co. v. Hunter, 2 Va. App. 258, 261, 343 S.E.2d 461, 463 (1986)
- Provident Life and Accident Insurance Company v. Barnard, 236 Va. 41, 45, 372 S.E.2d 369, 371 (1988)
- Virginia Electric and Power Co. v. Kremposky, 227 Va. 265, 269, 315 S.E.2d 231, 233 (1984)
- Taylor v. Robertson Chevrolet Co., 177 Va. 289, 295, 13 S.E.2d 326, 329 (1941)
- Vaughan's Landscaping & Maintenance v. Dodson, 30 Va. App. 135, 141, 515 S.E.2d 800, 802 (1999)
- Dodson v. Vaughan's Landscaping & Maintenance, 32 Va. App. 667, 667-68, 529 S.E.2d 854, 854-55 (2000)

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