

SUPREME COURT OF NEVADA

MGM MIRAGE v. Cotton, 121 Nev. 396

116 P.3d 56 (2005) · No. No. 43324 · Decided July 28, 2005

SUMMARY

The Supreme Court of Nevada held that an employee injured on the employer's premises within a reasonable interval before or after work may be eligible for workers' compensation under a premises-related exception to the going-and-coming rule. Brenda Cotton injured her ankle in MGM Mirage's parking area approximately ten minutes before her shift, and the court concluded that her injury arose out of and in the course of employment. The court affirmed the award of workers' compensation benefits.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Per Curiam; Maupin; Douglas; Parraguirre
JURISDICTION	Nevada
DECIDED	July 28, 2005
DOCKET	No. 43324
DISPOSITION	affirmed
PROCEDURAL POSTURE	MGM Mirage appealed the district court's denial of its petition for judicial review of an appeals officer's award of workers' compensation benefits to Brenda Cotton.
STANDARD OF REVIEW	The court reviews an administrative body's decision for clear error or arbitrary abuse of discretion, will not disturb factual findings supported by substantial evidence, and reviews questions of law de novo.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; precedential
PARTIES	MGM Mirage v. Brenda Cotton

TOPICS

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

PRACTICE AREAS

Workers' compensation

Administrative law

Employment law

QUESTIONS PRESENTED

1. Whether Nevada should recognize a premises-related or parking-lot exception to the going-and-coming rule for workers' compensation claims.
2. Whether Cotton's injury, sustained on her employer's premises approximately ten minutes before work while traversing a curb in the workplace environment, arose out of and in the course of her employment.
3. Whether the appeals officer abused her discretion or committed legal error by awarding Cotton workers' compensation benefits.

HOLDINGS

1. Nevada recognizes a premises-related exception to the going-and-coming rule: an employee injured on the employer's premises while proceeding to or from work within a reasonable interval before or after work may be eligible for workers' compensation.
2. Cotton's injury arose out of and in the course of her employment because she was injured on MGM's premises within a reasonable time before work and established a causal connection between the injury and the workplace environment.
3. The appeals officer did not abuse her discretion or commit legal error by awarding Cotton workers' compensation benefits.

KEY QUOTATIONS

"We now adopt a premises-related exception to the "going and coming" rule." (116 P.3d 57)

"We expressly adopt a premises-related exception to the going and coming rule and hold that an employee injured on the employer's premises while proceeding to or from work within a reasonable interval before or after work may be entitled to workers' compensation." (116 P.3d 59)

FACTUAL BACKGROUND

Approximately ten minutes before her scheduled shift, Brenda Cotton walked through MGM Mirage's Las Vegas parking lot toward a sidewalk leading to an MGM building entrance. She tripped over a curb and sustained an ankle fracture, sprain, and ligament tear. MGM denied her workers' compensation claim, but an appeals officer awarded benefits after determining that the injury arose out of and in the course of her employment.

PROCEDURAL HISTORY

MGM denied Cotton's workers' compensation claim after she was injured in the employer's parking lot shortly before her shift. A hearing officer affirmed the denial, but an appeals officer reversed and awarded benefits. The district court denied MGM's petition for judicial review, and the Nevada Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Construction Indus. v. Chalue, 119 Nev. 348, 74 P.3d 595 (2003)
- Bullock v. Pinnacle Risk Mgmt., 113 Nev. 1385, 951 P.2d 1036 (1997)
- Rio Suite Hotel & Casino v. Gorsky, 113 Nev. 600, 939 P.2d 1043 (1997)
- Provenzano v. Long, 64 Nev. 412, 183 P.2d 639 (1947)
- Nev. Industrial Comm. v. Dixon, 77 Nev. 296, 362 P.2d 577 (1961)
- National Convenience Stores v. Fantauzzi, 94 Nev. 655, 584 P.2d 689 (1978)
- Nevada Ind. Comm. v. Leonard, 58 Nev. 16, 68 P.2d 576 (1937)
- Tighe v. Las Vegas Metro. Police Dep't, 110 Nev. 632, 877 P.2d 1032 (1994)
- Schepcoff v. SIIS, 109 Nev. 322, 849 P.2d 271 (1993)
- Costley v. Nevada Ind. Ins. Com., 53 Nev. 219, 296 P. 1011 (1931)
- Hearthstone Manor v. Stuart, 192 Or. App. 153, 84 P.3d 208 (2004)
- Norpac Foods, Inc. v. Gilmore, 318 Or. 363, 867 P.2d 1373 (1994)
- P.B. Bell & Associates v. Ind. Comm'n of Ariz., 142 Ariz. 501, 690 P.2d 802 (Ariz. Ct. App. 1984)
- Smith v. State, Department of Labor & Industry, 80 Hawai'i 150, 907 P.2d 101 (1995)
- Milledge v. Oaks, 784 N.E.2d 926 (Ind. 2003)
- Goff v. Farmers Union Accounting Service, Inc., 308 Minn. 440, 241 N.W.2d 315 (1976)
- Barnes v. Stokes, 233 Va. 249, 355 S.E.2d 330 (1987)
- North Amer. Rock. Corp., S.D. v. Workmen's Comp. App. Bd., 9 Cal. App. 3d 154, 87 Cal. Rptr. 774 (1970)
- Brooks v. Carter, 102 Ill. App. 3d 635, 430 N.E.2d 566 (1981)
- Barre v. TCIM Services, Inc., 971 P.2d 874 (Okla. Civ. App. 1998)