

COURT OF APPEALS OF MARYLAND

Harris v. Board of Education of Howard County, 375 Md. 21

825 A.2d 365 (2003) · No. No. 43, Sept. Term, 2002 · Decided June 6, 2003

SUMMARY

The Maryland Court of Appeals held that the Workers’ Compensation Act does not require a compensable accidental injury to result from unusual activity. The court overruled prior Maryland decisions imposing that requirement and concluded that the injury, rather than the activity causing it, must be accidental and arise out of and in the course of employment. The court reversed the judgment against Vernell Harris and did not reach whether her activity was unusual.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Eldridge; Bell, C.J.; Raker; Wilner; Cathell; Harrell; Battaglia
JURISDICTION	Maryland
DECIDED	June 6, 2003
DOCKET	No. 43, Sept. Term, 2002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Workers' compensation claimant petitioned for a writ of certiorari after the Court of Special Appeals affirmed a jury verdict for the employer denying compensation.
STANDARD OF REVIEW	The Court reviewed the legal interpretation of the Workers' Compensation Act de novo and determined whether, under the undisputed facts and governing law, Harris's injury was compensable as a matter of law.
PRECEDENTIAL VALUE	Published, precedential Maryland Court of Appeals opinion
PARTIES	Vernell Harris v. Board of Education of Howard County

TOPICS

- workers compensation
- statutory interpretation
- legislative intent
- appellate procedure
- standard of review

PRACTICE AREAS

- workers compensation
- employment law
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether an accidental personal injury under the Maryland Workers' Compensation Act must result from unusual activity, strain, exertion, or a condition of employment to be compensable.
2. Whether Harris's back injury, arising from routine employment-related activities and occurring unexpectedly and unintentionally, was a compensable accidental personal injury under the Act.
3. Whether the Court should overrule Maryland decisions that had added an unusual-activity requirement to the statutory definition of accidental injury.

HOLDINGS

1. The Maryland Workers' Compensation Act does not require that an accidental personal injury result from unusual activity, strain, exertion, or an unusual condition of employment. The injury, rather than the activity causing it, must be accidental; the activity need only arise out of and occur in the course of employment and not be otherwise excluded by the Act.
2. Harris sustained a compensable accidental personal injury arising out of and in the course of her employment because her back injury was an unexpected and unintended result of employment-related work.
3. The Court overruled *Slacum v. Jolley*, *Miskowiak v. Bethlehem Steel Co.*, *Atlantic Coast Shipping Co. v. Stasiak*, and similar decisions to the extent they required an accidental injury to arise from unusual activity or conditions to be compensable.

KEY QUOTATIONS

“Under the plain language of the statute, what must be “accidental” is the injury and not the activity giving rise to the injury.” (375 Md. at 370-71)

“Under Schwind, an injury is an “accidental injury” if it is the result of an “untoward event which [the employee] neither expected nor intended.”” (375 Md. at 379)

“JUDGMENT OF THE COURT OF SPECIAL APPEALS REVERSED AND CASE REMANDED TO THAT COURT WITH DIRECTIONS TO REVERSE THE JUDGMENT OF THE CIRCUIT COURT FOR HOWARD COUNTY AND REMAND THE CASE TO THE CIRCUIT COURT WITH DIRECTIONS TO AFFIRM THE DECISION OF THE WORKERS' COMPENSATION COMMISSION.” (375 Md. at 388)

FACTUAL BACKGROUND

Vernell Harris, a food and nutritional service assistant at Wilde Lake High School, regularly lifted food boxes and performed laundry and kitchen duties. While handling a forty-five-pound box of detergent contaminated with cockroaches, Harris and a coworker dragged the box outside, then Harris bent down to handle the detergent bag and felt her back crack. Medical evidence attributed her back injury to dragging the heavy box. The Workers' Compensation Commission found the injury compensable, but the circuit-court jury found for the employer under the then-existing unusual-activity requirement.

PROCEDURAL HISTORY

The Workers' Compensation Commission found that Harris sustained a compensable accidental injury arising out of and in the course of her employment. On judicial review, the Circuit Court for Howard County denied Harris's motions for judgment and the jury returned a verdict for the employer. The circuit court denied post-trial relief, and the Court of Special Appeals affirmed in an unreported opinion. The Court of Appeals granted certiorari, reversed, and directed that the Commission's award be affirmed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of the Court of Special Appeals; direct that court to reverse the judgment of the Circuit Court for Howard County; and direct the circuit court to affirm the decision of the Workers' Compensation Commission. Costs were awarded against the respondent.

CASES CITED

- Victory Sparkler & Specialty Co. v. Francks, 147 Md. 368, 128 A. 635 (1925)
- Providence Life Ins. Co. v. Martin, 32 Md. 310 (1870)
- Baltimore & O.R. Co. v. Clark, 59 F.2d 595 (4th Cir. 1932)
- Mayor of Baltimore v. Schwind, 175 Md. 60, 199 A. 853 (1938)
- Foble v. Knefely, 176 Md. 474, 6 A.2d 48 (1939)
- Baltimore & Ohio R.R. Co. v. Zapf, 192 Md. 403, 64 A.2d 139 (1949)
- Perdue v. Brittingham, 186 Md. 393, 47 A.2d 491 (1946)
- Slacum v. Jolley, 153 Md. 343, 138 A. 244 (1927)
- Miskowiak v. Bethlehem Steel Co., 156 Md. 690, 145 A. 199 (1929)
- Atlantic Coast Shipping Co. v. Stasiak, 158 Md. 349, 148 A. 452 (1930)
- Sargent v. Board of Education, Baltimore County, 49 Md. App. 577, 433 A.2d 1209 (1981)
- Suburban Hosp. v. Kirson, 362 Md. 140, 763 A.2d 185 (2000)
- Waters v. Pleasant Manor Nursing Home, 361 Md. 82, 760 A.2d 663 (2000)
- Blind Industries v. Department of General Services, 371 Md. 221, 808 A.2d 782 (2002)
- DeBusk v. Johns Hopkins, 342 Md. 432, 677 A.2d 73 (1996)