

Bond Case Briefs

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EMPLOYMENT - MARYLAND

Roberts v. Montgomery County

Court of Appeals of Maryland - January 28, 2014 - A.3d - 2014 WL 294317

County firefighter sought judicial review of decision of the Workers' Compensation Commission denying request for workers' compensation benefits after he was injured in a car accident on trip from training session back to the fire station. The Circuit Court granted summary judgment in favor of employer. Firefighter appealed. The Court of Special Appeals affirmed. Firefighter petitioned for writ of certiorari, which was granted.

The Court of Appeals held that:

- Injuries sustained in car accident on way from training session to fire station were compensable, and
- Going and coming rule did not preclude recovery of benefits.

Under the "positional-risk test" for determining whether an injury is compensable under the Workers' Compensation Act, the inquiry is whether the injury would have been sustained, "but for" the fact that the conditions and obligations of employment placed the employee where the injury occurred

Injury occurred in a place the employee would not have been "but for" his employment and while engaged in an activity incident to his employment, and therefore county firefighter's injuries sustained in an accident that occurred when he was leaving a physical training session on his motorcycle and on his way to fire station constituted a compensable injury under the Workers' Compensation Act pursuant to the "positional-risk test," where firefighter, at time of the accident, was already on duty, being paid, and traveling between his employer-encouraged physical training session and the firehouse where he worked.

The "going and coming rule" provides that injuries sustained by employees commuting to and from a fixed site of employment are generally not considered to arise out of and in the course of employment and are, therefore, not compensable under the Act.