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## **WORKERS' COMPENSATION ONE-LINERS FEBRUARY, 2007**

### Course of Employment:

Allegheny Ludlum Corp. v. WCAB  
(Hines), 913 A.2d 345 (Pa. Commw. Ct. 2006)

Fatal claim award is affirmed where decedent was killed by drunk driver while walking into work on employer's sidewalk; Court held employee was actually furthering the interests of employer when entering work a reasonable period before his start time, thereby not requiring a course and scope analysis under the three pronged Slaughaupt test.

### Employer-Employee relationship:

Brookhaven Baptist Church v. WCAB  
(Halvorson), 912 A.2d 770 (Pa. 2206)

Pa. Supreme Court performed an extensive analysis of employer/employee relationship and determined decedent was employed by his church for the limited purpose of mowing the lawn; however, as his injuries and death occurred while trimming bushes and that activity was outside the employment relationship and instead within the purview of his role as church trustee, benefits were not owed.

### Job Availability:

Pitt Ohio Express v. WCAB (Wolff),  
912 A.2d 206 (Pa. 2006)

Pa. Supreme Court affirms Comm. Ct. holding that the employer is not required to re-establish job availability where it seeks a suspension of benefits following a period of resumption of temporary total disability benefits if the benefits were previously suspended due to claimant's lack of good faith in pursuing an open job.

### Physic Injury:

RAG (Cyprus) Emerald Resources v. WCAB  
(Hompton) (Pa. 2006) 912 A.2d 1278

In a mental claim characterized by claimant's, a miner, allegations of extreme sexual harassment by his supervisor, Pa. Supreme Ct. reverses Comm. Ct. holding they abused their discretion in failing to defer to Judge's factual determinations and held that the findings made by the Judge were sufficient to constitute a conclusion that claimant was subjected to abnormal work conditions which aggravated his pre-existing post traumatic stress disorder; the Court stressed the existence of a pre-existing mental condition is not pertinent to the analysis of a compensable mental injury.

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