

# He Quit His Job, But Was Still Eligible For Workers' Comp Benefits?

When a medical equipment delivery driver who had quit his job – but was injured while retrieving his tools and preparing to leave the premises – filed a lawsuit, how did his employer defend against the claim? By asserting that the driver was still in the course of his employment when he was injured – even though he had just quit his job.

While this at first sounds counterintuitive, consider this: if the driver was hurt in the course of his employment, it is likely that workers' compensation benefits would be his only remedy for his injuries. Otherwise, he could potentially be eligible for more significant damages.

Of course, the employer followed up its assertion that the man was only eligible for workers' compensation by denying his application for benefits. The matter was then brought before a workers' compensation judge (WCJ), who awarded benefits to the injured driver. The employer challenged the award in the Commonwealth Court, but the court held that "Although [the driver] quit before he was injured, he was still within the scope of employment because he was acting at Employer's direction, and thus furthering Employer's interests."

This case is examined in more depth in the Fall/Winter 2014 News & Notes publication released by the Pennsylvania Department of Labor & Industry (L&I).

## **The Availability Of Benefits Is Situation-Specific**

It is important to note that remaining eligible for workers' compensation benefits after quitting a job will not apply in every situation, and is very dependent on the specific

circumstances in each case. These facts will be examined under an analysis of whether “[the injured person’s] presence is required by the nature of his or her employment, and he or she is injured due to the condition of the premises or due to the operation of the employer’s business or affairs.”