

# Appellate Court: Chasing Thief Was In Course Of Employment

*A Pennsylvania appellate court held that a convenience store worker who suffered fatal injuries while chasing a thief was eligible for workers' comp benefits.* Walter Wetzel died in April 2010, several months after he was run over in his employer's convenience store parking lot while trying to stop a thief. Three years later, a Pennsylvania appellate court concluded that his employer should not have denied workers' compensation benefits in the case.

The employer had sought to deny workers' compensation benefits on the grounds that the worker had abandoned his employment when he chased after the thief, among other reasons. But in late May 2014, the Commonwealth Court of Pennsylvania ruled that the man should have received workers' compensation benefits. It overruled a decision by the Pennsylvania Workers' Compensation Appeal Board that the employee was not entitled to benefits because apprehending criminal suspects was not part of his job.

## Thief Changes A Life In An Instant

According to the Commonwealth Court's [opinion](#), Wetzel had been a manager at the service station. On Nov. 28, 2009, he started his shift as the night manager early to help a co-worker fix an error with the cash register. Afterward, he stocked the cooler and did other work before his shift started. During this time, a man reached over the counter and tried to take cash from the cash register.

The thief ran out the door and Wetzel and two other employees chased after him. While still on the convenience store lot,

Wetzel leaned into the thief's car to try to stop him. The thief drove off, dragging Wetzel with him. Wetzel landed on the hood of the car and then fell off. The vehicle ran over his head as the driver took off.

Wetzel suffered a severe traumatic brain injury. He was in a coma and incapacitated until he died on April 2, 2010. The man's employer denied his workers' compensation claims, saying that the man was not within the scope and course of employment when he was injured. A workers' compensation judge held that the man was entitled to benefits, which the Workers' Compensation Appeal Board overturned. The Commonwealth Court of Pennsylvania then considered an appeal.

## **Was The Worker Injured During The Course Of Employment?**

The case turned in large part on whether Wetzel had abandoned his course of employment when he took off after the thief. Like other state workers' compensation laws, the [Pennsylvania Workers' Compensation Act](#) provides that employers must pay for injuries that workers suffer in the course of employment. A worker is considered to be in the course of employment if he or she is "engaged in the furtherance of the business or affairs of the employer."

The Commonwealth Court held that an employee is entitled to compensation for every injury suffered on the employer's premises during work hours as long as he or she did not abandon his employment or do something "wholly foreign" to the employment.

In this case, the court found that the worker was furthering his employer's business. He was performing his job right before the incident and was continuing to further his employer's interests when he confronted the thief. He did not abandon his job when, in the matter of just a few minutes, he saw and chased after the thief and was run over. The court

found that the facts of the case showed that Wetzel “did not stop the thief from fleeing to further his own interests; rather the facts show that [Wetzel] was instead furthering the interests of Employer,” the court wrote.

Keywords: workers’ compensation, denial of benefits, course and scope of employment