



**What Is "A Tough Row To Hoe?"
WC, You're In Jeopardy!**

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"This is Jeopardy!!"

Jeopardy Game.....



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Case Law Updates:

- **Gastric Bypass:**
You can keep your New Year's Resolution and get your knee fixed all at the same time:
SAIF v. Sprague

Worker needed to reduce obesity in order to make knee replacement surgery successful. Insurer was found to be responsible for both surgeries.



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Case Law Updates (Cont'd):

- Tow Truck Driver:**
 If you don't like your driver's license picture (and who does?) you can refuse to show it, and get paid!!:
Sisco v. Quicker Recovery

 Worker was pulled over by the police and refused to show his ID, stating he had a "sovereign right" to refuse. He was injured after an altercation with police ensued. His claim was found to be a compensable under the "Work Connection Test".



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Case Law Updates (Cont'd):

- Pigeon Poop:**
 You can shoot'em and eat'em as long as you are cleanin'-up after 'em.
In the matter of the compensation of Larry W. Jones

 Part of the worker's job at a feed mill was cleaning up pigeon poop. Worker apparently fell from a ladder while attempting to shoot the birds. Claim was found compensable, even though the employer had a policy expressly forbidding firearms at work.



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Case Law Updates (Cont'd):

- Motorcycles & Bicycles:**
 Lessons to be learned... cruisin' is *not* okay, popping wheelies is "Awesome!":
SAIF v. Cronin, SAIF v. Roberts

 In the first case, worker was riding around his employer's car lot on his friend's motorcycle when he crashed. This was found to be for his own personal pleasure and denial upheld.

 In the second case, the worker was moving a coworker's 3-wheeled bicycle out of the way of some freight. He rode it to find a place to park it and then tried to pop a "wheelie". On his second attempt he went over backward. Claim was found compensable based on no significant departure from work duties.



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Case Law Updates (Cont'd):

- **Pizza Delivery:**
Dude, delivery in 10 minutes or the pizza is free.
Dominos v. Gibson
Worker had clocked out for lunch and was going to drive down the street to the store for a bottle of water. Supervisor needed him on the premises, and said to him "I'm like, Dude, just run across the street." Worker was struck by a car while crossing the street, and claim was found compensable.



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Case Law Updates (Cont'd):

- **"You're Fired!!":**
I didn't know that was gonna hurt."
Columbia River Dairy v. Sepulveda
Worker's supervisor approached him on a job site to inform him that he was being reprimanded for tardiness. Following a verbal confrontation, the supervisor got in this truck to drive away. Worker put his foot behind the tire of the truck to try to stop him from leaving and his foot was ran over. Claim was found compensable.



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Case Law Updates (Cont'd):

Work Connection Test:

- Whether the activity was for the benefit of the employer
- Whether the activity was contemplated by the employer at the time of hire or later
- Whether the activity was an ordinary risk of, and incidental to, the employment
- Whether the employee was paid for the activity
- Whether the activity was on the employer's premises
- Whether the activity was directed by or acquiesced by the employer
- Whether the employee was on a personal mission of his own



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Conclusion 

Questions?



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