

## **An Accident or Incident is not Required For an Injury to be Work-Related**

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DKP Law has successfully litigated two cases in which there was not a particular accident or incident that occurred but the employee still suffered a work injury. More specifically, in one case the injured worker was sitting in a chair in her work place and when she stood to walk to another area of the plant, her knee gave way. It was eventually determined that at that moment she suffered an ACL tear of her right knee. In a separate case, a worker was standing and talking with a co-worker. He then turned his head to walk to another work area when he felt immediate pain in his neck. This injury was eventually recognized as a neck strain.

In both cases, DKP Law was able to convince the Court that while there was not a particular accident or incident the injured worker's medical condition immediately following both of these episodes were still work-related. In both cases it was agreed that that because each episode occurred within the course and scope of the injured worker's employment then the injuries were deemed work-related. In one of those cases the Worker's Compensation Judge, citing to various supporting cases, made the following conclusion:

“...the Courts have long held that an accident or incident is not required in order for there to be an injury. Pawlosky v. WCAB (Latrobe Brewing Company), 525 A.2d 1205(Pa. 1987). The Claimant need only to be in the furtherance of the employer's business or affairs. WCAB (Slaughaupt) v. US Steel Corporation, 376 A.2d 2179Pa. Cmwlth. 1977).”

Thus, this ruling stands for the proposition that an injured worker is entitled to worker's compensation benefits even if there was not particular incident or work accident.