*2008 Ill. Wrk. Comp. LEXIS 1172, *; 8 IWCC 1313*

JEFFREY **COX,** PETITIONER, v. **BERGER EXCAVATING** CONTRACTORS, RESPONDENT.

NO: 06WC050930

ILLINOIS WORKERS' COMPENSATION COMMISSION

STATE OF ILLINOIS, COUNTY OF LAKE

2008 Ill. Wrk. Comp. LEXIS 1172; 8 IWCC 1313

November 14, 2008

CORE TERMS: route, traveling, lane, hand turn, truck, deviation, returning, detour, course of employment, accidental injuries, disputed issues, own testimony, dual purpose, red light, intersection, broadsided, northbound, carpenters, eastbound, withdraw, withdrew, driving, regular, struck, cooler, travel, notice, accrue, drive

JUDGES: Mario Basurto; James F. DeMunno; David L. Gore

OPINION: [*1]

DECISION AND OPINION ON REVIEW

Timely Petition for Review having been filed by the petitioner herein and notice given to all parties, the Commission, after considering the issue of accident, arising out of and in the course of employment and being advised of the facts and law, affirms and adopts the Decision of the Arbitrator, which is attached hereto and made a part hereof.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Decision of the Arbitrator filed September 19, 2007 is hereby affirmed and adopted.

IT IS FURTHER ORDERED BY THE COMMISSION that the Respondent pay to Petitioner interest under § 19(n) of the Act, if any.

IT IS FURTHER ORDERED BY THE COMMISSION that the Respondent shall have credit for all amounts paid, if any, to or on behalf of the Petitioner on account of said accidental injury.

The probable cost of the record to be filed as return to Summons is the sum of $ 35.00, payable to the Illinois Workers' Compensation Commission in the form of cash, check or money order therefor and deposited with the Office of the Secretary of the Commission.

DATED: NOV 14 2008

ATTACHMENT:

ILLINOIS WORKERS' COMPENSATION COMMISSION NOTICE OF 19(b) DECISION OF ARBITRATOR

An **[*2]** Application for Adjustment of Claim was filed in this matter and Notice of Hearing mailed to each party. The matter was heard by Anthony C. Erbacci, an Arbitrator of the Commission, in the City of Waukegan, Illinois, on June 25, 2007. After reviewing all of the evidence presented, the Arbitrator makes findings on the following disputed issues:
C. Did an accident occur that arose out of and in the course of the Petitioners employment by the Respondent?
F. Is the Petitioner's present condition of ill-being causally related to the injury?
G. What were the Petitioners earnings?
J. Were the medical services that were provided to the Petitioner reasonable and necessary?
K. What amount of compensation is due for Temporary Total Disability?
M. Should penalties or fees be imposed upon the Respondent?

STIPULATED FINDINGS

. On July 27, 2006, the Respondent, was operating under and subject to the provisions of the Illinois Workers' Compensation Act.

. On that date the relationship of employee and employer existed between the Petitioner and the Respondent.

. Timely notice of the alleged accident was given to the Respondent.

. At time of injury, the Petitioner was 46 years of age, married, **[*3]** and had no children under 18 years of age.

. To date, the Respondent has paid $ 7,500.00 as an advance and $ 11,778.15 in group, non-occupational disability benefits for which credit may be allowed under Section 8(j) of the Ad.

In support of the Arbitrator's decision relating to (C), Did an accident occur that arose out of and in the course of the Petitioner's employment by the Respondent, the Arbitrator finds the following facts:

On July 27, 2006, the Petitioner was employed by the Respondent as a construction foreman. As part of the Petitioner's job duties he was required to drive a pick-up truck which was provided to him by the Respondent. The Petitioner was authorized per company policy to drive the vehicle home from work each night and then back to work in the morning. The Petitioner was not a "traveling employee" as contemplated by the Act.

The evidence demonstrates that the Petitioner left work early on July 27, 2006 to attend a doctor's appointment for a medical condition that was not related to his employment. On his way home from the job site, the Petitioner detoured from his regular route to stop at a Fifth Third Bank located at Hartigan Road and Route 12 in order **[*4]** to withdraw cash to pay carpenters who were performing work on his kitchen at home. While the Arbitrator notes the Petitioner's testimony, the Arbitrator is not persuaded that the Petitioner had a dual purpose to also withdraw cash to purchase a cooler for drinks for his crew. Petitioner's testimony, that he withdrew money to buy a cooler, lacked credibility when weighed against all of the other witness testimony. The Arbitrator notes, however, that even if the Petitioner had a "dual purpose", it is of no consequence since it is clear that the detour would have been made anyway (to get cash to pay the carpenters), regardless of the alleged business purpose, and would therefore be considered to be "personal". The evidence also demonstrates that personal

use of the Respondent's truck while traveling to and from work was prohibited by company policy.

The Petitioner testified that his normal route home took him north on Route 12 but that in order to enter the Fifth Third Bank he had to turn left on Hartigan Road from Route 12 going westbound and then he had to make two additional right turns into the bank parking lot. The Arbitrator notes that the main entrance to the bank faces Route **[*5]** 12 and that the bank has a Route 12 address. The Petitioner admitted, however, that if he had not stopped at the bank, he would not have had to turn left off of Route 12 at Hartigan Road.

The Petitioner testified that after he withdrew cash from the bank, he got back into his vehicle and left the bank. Petitioner stated that he left the bank traveling eastbound on Hartigan Road and he was in the process of making a left hand turn onto Route 12 when a vehicle traveling southbound on Route 12 went through a red light and struck his truck. He stated that the vehicle was reportedly traveling 65 miles per hour through the red light. Petitioner testified that there were two left hand turn lanes on eastbound Hartigan Road and he was in the left hand turn lane located on the right of the first left hand turn lane. When asked where in the intersection his vehicle was located when the accident occurred, Petitioner stated that he had traveled for a "short period" into the intersection before he was broadsided. After his truck was broadsided, Petitioner noted that his airbag deployed and both knees were injured, as well as his left shoulder and his left buttocks.

The Arbitrator finds that the **[*6]** car accident occurred before the Petitioner returned to the northbound lanes of Route 12. This finding is based upon the Arbitrator's review of the pictures of the area where the accident occurred as well as Petitioner's own testimony as to the accident. Thus, while the Petitioner was in the process of returning to his regular route home, he had not actually returned to that route.

The general rule is that injuries incurred while traveling to or from the workplace are not considered to arise out of and occur in the course of employment. An exception exists where the employer expands the range of employment by providing the employee a means of transportation to and from work for the employers own benefit. By providing this transportation, the employer expands the "in the course of" element while also providing a risk incidental to the exigencies of employment that satisfies the "arising out of employment element. However, an employee is not covered while driving a company vehicle if the employee engages in a deviation from his employment or a "frolic and detour." Such actions remove the employee from the course of his employment. An employee will resume his work-related travel once **[*7]** he re-enters the course of his employment following a personal deviation.

In the case at hand, Petitioner was driving a company vehicle at the time of the accident, but he had engaged in a detour when he left Route 12 to travel to the Fifth Third Bank for the purpose of withdrawing cash for personal reasons. At the time of the accident, Petitioner had not yet returned to his usual route home, as evidenced by his own testimony that he was in the process of making a left hand turn from Hartigan Road in an effort to reenter Route 12 when the accident occurred.

After considering all the evidence and the testimony, the Arbitrator finds that Petitioner did not sustain accidental injuries that arose out of and occurred in the course of his employment with Respondent as he was engaged in a personal deviation that removed him from the course of his employment on July 27, 2006 when his vehicle was struck by another vehicle. While the Arbitrator notes that the Petitioner was in the process of, and very close to, returning to his usual route home, and therefore, the course of his employment, he had not actually done so. Under the facts presented here, this Arbitrator is not inclined to expand **[*8]** the definition of "in the course of" to "almost in the course of" or "in the process of returning to the course of". Had the Petitioner actually returned to the northbound lanes of Route 12 when the accident occurred, the Arbitrator would decide differently.

In view of the Arbitrator's finding that the Petitioner did not sustain accidental injuries that arose out of and occurred in the course of his employment with Respondent, determination of the remaining disputed issues is moot.

The Petitioner's claim for compensation is denied.

RULES REGARDING APPEALS Unless a Petitioner for Review is filed within 30 days after receipt of this decision, and a review is perfected in accordance with the Act and the Rules, then this decision shall be entered as the decision of the Commission.

STATEMENT OF INTEREST RATE If this award is reviewed by the Commission, interest of 4 .13% shall accrue from the date listed below to the day before the date of payment; however, if an employee's appeal results in either no change or a decrease in this award, interest shall not accrue.

September 13, 2007

Date

SEP 19 2007

Legal Topics:

For related research and practice materials, see the following legal topics:
Labor & Employment Law > Employment Relationships > At-Will Employment > Employees

Workers' Compensation & SSDI > Compensability > Course of Employment > Horseplay

Workers' Compensation & SSDI > Compensability > Injuries > Accidental Injuries

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT
WORKERS' COMPENSATION COMMISSION DIVISION

JEFFREY COX, Appellant, vs. THE ILLINOIS WORKERS' COMPENSATION COMMISSION, et al., (BERGER EXCAVATING CONTRACTORS, Appellee).	)	No. 1-09-2500WC

ORDER

This cause having been considered on appellant's petition for rehearing or in the alternative for a finding that the case involves a substantial question which warrants consideration by the supreme court; and the court being advised in the premises:;

IT IS HEREBY ORDERED that:

1. The petition for rehearing is DENIED; and

2. The petition for certification is DENIED; none of the justices having filed a statement that the case involves a substantial question which warrants consideration by the supreme court

ENTER:

/S/ John T. McCullough
Presiding Justice

ORDER ENTERED
JAN 19 2011
APPELLATE COURT, FIRST DISTRICT

/S/ Thomas E. Hoffman
Justice

/S/ Donald C. Hudson
Justice

/S/ William E. Holdridge
Justice

/S/ Bruce D. Stewart
Justice

Workers' Compensation
Commission Division
Filed: December 20, 2010

corrected copy

No. 1-09-2500WC

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT
WORKERS' COMPENSATION COMMISSION DIVISION

JEFFREY COX,	)	APPEAL FROM THE
	)	CIRCUIT COURT OF
Appellant,	)	COOK COUNTY
	)	
v.	)	No. 08 L 51316
	)	
THE ILLINOIS WORKERS' COMPENSATION	)	
COMMISSION, et al.,	)	
(BERGER EXCAVATING CONTRACTORS,	)	HONORABLE
	)	LAWRENCE O'GARA,
Appellee).	)	JUDGE PRESIDING.

JUSTICE HOFFMAN delivered the judgment of the court, with opinion.
Presiding Justice McCullough and Justices Hudson, Holdridge and Stewart concurred in the judgment and opinion.

OPINION

The claimant, Jeffrey Cox, appeals from an order of the circuit court of Cook County which confirmed a decision of the Illinois Workers' Compensation Commission (Commission) denying him benefits under the Workers' Compensation Act (Act) (820 ILCS 305/1 et seq. (West 2006)), for injuries he allegedly received while in the employ of Berger Excavating Contractors (Berger) on July 27, 2006. For the reasons which follow, we reverse the judgment of the circuit court, vacate the Commission's decision, and remand this matter to the Commission for further proceedings.

The following factual recitation is taken from the evidence presented at the arbitration hearing.

Berger is an excavating and sewer contractor, and at all times relevant to this case, the claimant was employed by Berger as a foreman of a six-man crew that was assigned to work at jobsites away from Berger's premises. A truck belonging to Burger was assigned to the claimant in which he carried tools, equipment, and supplies for use at various jobsites. Burger's company name is printed on both sides of the truck, and Burger pays for the truck's licensing fees, insurance, and fuel. The claimant has possession of the vehicle 24 hours per day and drives it to and from work. According to Berger's owner, Dale Berger, the truck was to be used for company business and other permitted uses, including to perform personal side jobs with permission.

According to Mr. Berger, employees are expected to carry money to pay for incidental expenses which they incur for the company, and they are reimbursed out of Berger's petty cash fund. Burger does not advance cash to its foremen for the payment of incidental expenses.

On July 27, 2006, the claimant arrived to open Berger's office at 5 a.m. After turning in his daily reports, fueling his truck from Berger's diesel fuel tank, and obtaining supplies for the day's work, he drove to a jobsite. At approximately 1 p.m., he left work with Mr. Berger's permission, to see his physician. The claimant testified that he left the jobsite driving the Berger truck and traveled northbound on Route 12 on his way home to pick up his personal vehicle.

On his way home, the claimant made a stop at the Fifth Third Bank on the corner of Route 12 and Hartigan Road. The claimant turned off of Route 12 onto Hartigan Road and entered the bank's parking lot from Hartigan Road. He estimated the distance at several hundred feet. The claimant admitted that, if he had not gone to the bank, he would not have turned off of Route 12 onto Hartigan Road.

The claimant exited his work truck, went into the bank, and made a withdrawal. Although he was unable to remember the exact amount of money which he withdrew, the claimant testified that his main purpose in going to the bank was to get money to buy a cooler to place in his work truck for the storage of cold drinks for his crew. He also stated that he withdrew money to pay the carpenters who were performing work in the kitchen of his residence. According to the claimant, he owed the carpenters $4,300. Records from the Fifth Third Bank established that the claimant withdrew $4,200 on July 27, 2006.

After making the withdrawal, the claimant got back into his work truck and drove out of the bank's parking lot onto eastbound Hartigan Road. As he was in the process of making a left turn onto Route 12, a southbound vehicle on Route 12 traveling at approximately 65 miles per hour disobeyed the red light at Hartigan Road and struck the truck that the claimant was driving. The claimant sustained injuries to his face, left shoulder, left ribs, chest, left buttock, both knees, and his left foot. He was taken to a hospital by ambulance.

Dennis Brady, a construction superintendent employed by Berger, testified that he went to the scene of the claimant's accident. According to Brady, the truck that the claimant had been driving was in the intersection of Hartigan Road and Route 12, approximately in the center of Route 12's southbound lanes.

Later that evening, Brady went to the hospital to see the claimant. Brady testified that he had a conversation with the claimant who told him that he stopped at the bank to withdraw money to pay the men working on his house.

As a result of the injuries which he sustained on July 27, 2006, the claimant was off of work for a period of 47 1/7 weeks, and he incurred $78,395.50 in related medical expenses of which Blue Cross/Blue Shield paid $45,445.75 and the balance is outstanding.

Following a hearing, an arbitrator found that the claimant did not sustain injuries arising out of and in the course of his employment with Berger, but rather was injured while engaged in a personal deviation. The arbitrator found that the claimant's testimony relating

to his intention to withdraw money from the bank to purchase a cooler for work lacked credibility. In addition, the arbitrator specifically found that, although the accident in which the claimant was involved occurred as he was in the process of returning to his regular route home, he had not yet returned to the northbound lanes of Route 12. As a consequence, the arbitrator concluded that the claimant was still engaged in a personal deviation that removed him from the course of his employment at the time of his injury, and he declined to award the claimant any benefits pursuant to the Act.

The claimant filed a petition for review of the arbitrator's decision before the Commission. In a unanimous decision, the Commission affirmed and adopted the arbitrator's decision.

Thereafter, the claimant filed a petition for judicial review of the Commission's decision in the circuit court of Cook County. The circuit court confirmed the Commission's decision, and this appeal followed.

The claimant argues that the facts of this case support the proposition that, at the time of his accident, he was a traveling employee operating a motor vehicle in a foreseeable manner. As a consequence, he argues, his injuries were incurred both out of and in the course of his employment with Burger, and the Commission's contrary holding is against the manifest weight of the evidence and should be reversed. In support of the Commission's decision, Berger argues that the Commission's finding that, by going to the bank, the claimant was engaged in a personal deviation which removed him from the course of his employment at the time of the accident is supported by the manifest weight of the evidence, and, as a consequence, the claimant was properly denied benefits under the Act.

An employee's injury is compensable under the Workers' Compensation Act only if it arises out of and in the course of the employment. 820 ILCS 305/2 (West 2006). Both elements must be present at the time of the claimant's injury in order to justify compensation. *Illinois Bell Telephone Co. v. Industrial Comm'n*, 131 Ill. 2d 478, 483, 546 N.E.2d 603

(1989). Arising out of the employment refers to the origin or cause of the claimant's injury. As the supreme court held in *Caterpillar Tractor Co. v. Industrial Comm'n*, 129 Ill. 2d 52, 58, 541 N.E.2d 665 (1989):

> "For an injury to 'arise out of' the employment its origin must be in some risk connected with, or incidental to, the employment so as to create a causal connection between the employment and the accidental injury. [Citations.] Typically, an injury arises out of one's employment if, at the time of the occurrence, the employee was performing acts he was instructed to perform by his employer, acts which he had a common law or statutory duty to perform, or acts which the employee might reasonably be expected to perform incident to his assigned duties. [Citation.] A risk is incidental to the employment where it belongs to or is connected with what an employee has to do in fulfilling his duties. [Citations.]"

In addition, an injury arises out of the employment if the claimant was exposed to a risk of harm beyond that to which the general public is exposed. *Brady v. L. Ruffolo & Sons Construction Co.*, 143 Ill. 2d 542, 548, 578 N.E.2d 921 (1991).

"In the course of the employment" refers to the time, place, and circumstances under which the claimant is injured. *Scheffler Greenhouses, Inc. v. Industrial Comm'n*, 66 Ill. 2d 361, 366, 362 N.E.2d 325 (1977). Injuries sustained at a place where the claimant might reasonably have been while performing his duties, and while a claimant is at work, or within a reasonable time before and after work, are generally deemed to have been received in the course of the employment. *Caterpillar Tractor Co.*, 129 Ill. 2d at 57; *Wise v. Industrial Comm'n*, 54 Ill. 2d 138, 142, 295 N.E.2d 459 (1973).

A "traveling employee" is one who is required to travel away from his employer's premises in order to perform his job. *Jensen v. Industrial Comm'n*, 305 Ill. App. 3d 274, 278, 711 N.E.2d 1129 (1999). Contrary to the Commission's finding, the facts of this case

establish, without question, that the claimant was a traveling employee.

The determination of whether an injury to a traveling employee arose out of and in the course of employment is governed by different rules than are applicable to other employees. *Hoffman v. Industrial Comm'n*, 109 Ill. 2d 194, 199, 486 N.E.2d 889 (1985). As a general rule, a traveling employee is held to be in the course of his employment from the time that he leaves home until he returns. *Urban v. Industrial Comm'n*, 34 Ill. 2d 159, 162-63, 214 N.E.2d 737 (1966). However, a finding that a claimant is a traveling employee does not relieve him from the burden of proving that his injury arose out of and in the course of employment. *Hoffman*, 109 Ill. 2d at 199. The test for determining whether an injury to a traveling employee arose out of and in the course of his employment is the reasonableness of the conduct in which he was engaged and whether the conduct might normally be anticipated or foreseen by the employer. *Howell Tractor & Equipment Co. v. Industrial Comm'n*, 78 Ill. 2d 567, 573-74, 403 N.E.2d 215 (1980). Under such an analysis, a traveling employee may be compensated for an injury as long as the injury was sustained while he was engaged in an activity which was both reasonable and foreseeable. *Wright v. Industrial Comm'n*, 62 Ill. 2d 65, 71, 338 N.E.2d 379 (1975).

The real question for resolution in this case is whether, at the time of his injury, the claimant was in the course of his employment with Berger. The Commission found that he was not. We disagree.

The question of whether an employee's injury arose in the course of his employment is a question of fact to be resolved by the Commission, and the Commission's determination will not be disturbed on review unless it is against the manifest weight of the evidence. *Aaron v. Industrial Comm'n*, 59 Ill. 2d 267, 269, 319 N.E.2d 820 (1974). For a finding of fact to be contrary to the manifest weight of the evidence, an opposite conclusion must be clearly apparent. *Caterpillar, Inc. v. Industrial Comm'n*, 228 Ill. App. 3d 288, 291, 591 N.E.2d 894 (1992). Although we are reluctant to set aside the Commission's decision on a

factual question, we will not hesitate to do so when the clearly evident, plain, and indisputable weight of the evidence compels an opposite conclusion. *Montgomery Elevator Co. v. Industrial Comm'n*, 244 Ill. App. 3d 563, 567, 613 N.E.2d 822 (1993).

Generally, injuries incurred by an employee while traveling to or from the workplace are not considered to arise out of and in the course of the employment. *Commonwealth Edison Co. v. Industrial Comm'n*, 86 Ill. 2d 534, 537, 428 N.E.2d 165 (1981). However, an exception to this general rule exists when, as in this case, the employer for its own benefit provides the employee with means of transportation to and from work. *Beattie v. Industrial Comm'n*, 276 Ill. App. 3d 446, 450, 657 N.E.2d 1196 (1995). "In such situations, the transportation is considered to expand the 'in the course of' element while apparently providing a risk incidental to the exigencies of employment that satisfy the 'arising out of' element." *Becker v. Industrial Comm'n*, 308 Ill. App. 3d 278, 282, 719 N.E.2d 792 (1999).

The Commission, by adopting the arbitrator's decision, found that the claimant lacked credibility when he testified that the purpose of his trip to the bank was to withdraw money to purchase a cooler to be used at work. It found that the reason that the claimant went to the bank was to withdraw funds for "personal" reasons, namely, to pay the carpenters working on his house. It is the Commission's role to judge the credibility of the witnesses and to draw appropriate inferences from their testimony, and the Commission's resolution of such issues will not be disturbed on appeal unless they are against the manifest weight of the evidence. *Parro v. Industrial Comm'n*, 167 Ill. 2d 385, 396, 657 N.E.2d 882 (1995).

The evidence of record established that the claimant owed the carpenters working on his home $4,300, that he withdrew $4,200 from the bank immediately before his injury, and that he told Brady that he went to the bank to withdraw money to pay the men working on his house. We believe this evidence is more than sufficient to support the inference that the claimant went to the bank for personal reasons and not to withdraw money for any purpose connected to his work. However, we do not believe that the fact that the claimant deviated

several hundred feet from his route home for personal reasons necessarily resolves the question of whether his injuries arose out of and in the course of his employment.

The claimant's deviation from the least circuitous route to his home in order to go to the bank for personal reasons appears to be insubstantial. See *Robinson v. Industrial Comm'n*, 96 Ill. 2d 87, 92-93, 449 N.E.2d 106 (1983). Although the claimant made this slight deviation from his route home in order to go to the bank, at the time of his accident, he had already made his withdrawal and was again on his way home. We believe, therefore, that he had re-entered the course of his employment at the time of his injury. We reject the Commission's finding that he had not returned to the course of his employment because he had not actually returned to his usual route home when he was involved in the vehicular collision. The proper question is whether the facts establish that he was on his way home when he was injured.

For these reasons, we hold that the Commission's finding that the claimant did not sustain injuries arising out of and in the course of his employment is against the manifest weight of the evidence. We, therefore, reverse the judgment of the circuit court, vacate the decision of the Commission, and remand this matter to the Commission for further proceedings consistent with this decision.

Circuit court reversed, Commission decision vacated, and the cause is remanded to the Commission.

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Terms: **traveling and detour or frolic** (Edit Search | Suggest Terms for My Search)

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1. JASON CONLEY, PETITIONER, v. GENE MAY, INC., RESPONDENT., NO: 03WC 19185, ILLINOIS WORKERS' COMPENSATION COMMISSION STATE OF ILLINOIS, COUNTY OF DUPAGE, 9 IWCC 117; 2009 Ill. Wrk. Comp. LEXIS 180, February 4, 2009

CORE TERMS: arbitrator, truck, collision, job site, lunch, temporary total disability, average weekly wage, condenser, driving, zone ...

... employment. In affirming the Arbitrator, the Commission also applies an alternative "**traveling** employee" analysis. Respondent agrees that Petitioner was a "**traveling** employee". As such, Petitioner is afforded extra protection under the Act, ...
... striking construction cones and enter the lane in which the truck was **traveling.** They also strongly suggest that Petitioner would not have been able to see the dump ...
... While Petitioner might well have been able to avoid the collision had he been **traveling** more slowly, excessive speed, standing alone, does not ...
... lost. The report indicates that he was attempting to pass a vehicle and was **traveling** in excess of the posted speed limit. Excessive speed ...
... exception is generally a deviation from employment duties, or a **detour** having nothing to do with employment. Whether petitioner at that moment was getting lunch, had completed ...
... purchased gasoline, or was simply lost does not reflect a **detour** or deviation sufficient to deny compensation. In this instance, petitioner was ...
... involved does not seem to reflect a substantial deviation or **detour** where a reasonable person could conclude that petitioner was acting outside of the ...
... increased his risk of injury. Even assuming Petitioner was a **traveling** employee at the time of the accident, his conduct and presence at the accident scene were ...

2. JEFFREY COX, PETITIONER, v. BERGER EXCAVATING CONTRACTORS, RESPONDENT., NO: 06WC050930, ILLINOIS WORKERS' COMPENSATION COMMISSION STATE OF ILLINOIS, COUNTY OF LAKE, 2008 Ill. Wrk. Comp. LEXIS 1172; 8 IWCC 1313, November 14, 2008

CORE TERMS: route, traveling, lane, hand turn, truck, deviation, returning, detour, course of employment, accidental injuries ...

... back to work in the morning. The Petitioner was not a "**traveling** employee" as contemplated by the Act. The evidence demonstrates that the Petitioner ...
... a "dual purpose", it is of no consequence since it is clear that the **detour** would

have been made anyway (to get cash to pay the carpenters), regardless of the ...
... evidence also demonstrates that personal use of the Respondent's truck while **traveling** to and from work was prohibited by company policy. The Petitioner testified that his ...
... vehicle and left the bank. Petitioner stated that he left the bank **traveling** eastbound on Hartigan Road and he was in the process of making a left hand turn onto Route 12 when a vehicle **traveling** southbound on Route 12 went through a red light and struck his truck. He stated that the vehicle was reportedly **traveling** 65 miles per hour through the red light. ...
... returned to that route. The general rule is that injuries incurred while **traveling** to or from the workplace are not considered to arise out of and occur in the ...
... employee engages in a deviation from his employment or a "**frolic and detour.**" Such actions remove the employee from the course of his employment. An employee will ...
... vehicle at the time of the accident, but he had engaged in a **detour** when he left Route 12 to travel to the Fifth Third Bank ...

☐ 3. DANIEL BONILLA, PETITIONER, v. JERRY GLEASON CHEVOLET GEO, RESPONDENT., NO. 02WC 05742, INDUSTRIAL COMMISSION OF ILLINOIS STATE OF ILLINOIS, COUNTY OF COOK, 3 IIC 614; 2003 Ill. Wrk. Comp. LEXIS 769, August 29, 2003

CORE TERMS: showroom, arbitrator, dealership, dealer, street, salesperson, driving, drive, drove, sphere ...

... rise to Petitioner's injury was in the nature of a personal **frolic** or horseplay. While Petitioner initially drove the Camaro out of the ...
... Road. The salespeople would turn right and complete the route by **traveling** east on Roosevelt to the business premises. (Id.) The speed limits ...
... turned green, Mr. Andrade turned right (now **traveling** east on Roosevelt Rd.), floored the accelerator and "popped" the clutch. As it ...
... found that Petitioner then departed from the sphere of his employment for "personal **frolic** or horseplay". Petitioner was a sales representative and by moving the ...
... Andrade's request cannot be characterized as purely personal or a **frolic** but indicates what salesmen ordinarily do to understand their product. The trip ...
... sphere of Petitioner's employment. What the majority characterizes as a personal **frolic** or horseplay incident may have constituted disobedience of rules (there is much ...
... Petitioner outside the sphere of employment. The majority uses "personal **frolic** or horseplay" in lieu of negligence concepts. In Chadwick v. Industrial Commission (1989), 179 Ill.App.3d 715, 717, ...

☐ 4. RONALD LEET, PETITIONER, v. CONSOLIDATED HIGH SCHOOL DISTRICT 230, RESPONDENT., No. 98WC 60354, INDUSTRIAL COMMISSION OF ILLINOIS STATE OF ILLINOIS, COUNTY OF COOK, 99 IIC 918; 1999 Ill. Wrk. Comp. LEXIS 366, October 8, 1999

CORE TERMS: arbitrator, engineer's, route, plat, temporary, plat of survey, surgical, drove, miles, sick ...

... occur in the course of his employment because the petitioner went on a "**frolic and detour**". It bases its defense on the lengthy circuitous route the petitioner under ...
... sustained an accident which occurred in the scope of his employment as a **traveling** employee. The Respondent did not contest the petitioner's assertion that delivering the ...

Source: **Legal > States Legal - U.S. > Illinois > Find Statutes, Regulations, Administrative Materials & Court Rules > IL Workers' Compensation Decisions**
Terms: **traveling and detour or frolic** (Edit Search | Suggest Terms for My Search)
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In