







You're hired!

- Job application submitted
- Interview
- Employee hired



Day 1 - Orientation with HR



- Next day after job offer accepted, employee asked to complete post-hire medical questionnaire
 - Lies on post-hire medical questionnaire (Martin v. Carpenter)
 - Truthful on questionnaire – disclosing prior knee issues but assures employer new hire can perform job requirements (MCC)

Accident Scene

- Employee heading to clock out encounters a co-worker in a wheelchair and is “injured” when she side steps the wheelchair in an effort to get out of the way
 - Injured worker tells others of he “accident”: “I hurt my knee because I moved out of the way from the wheelchair.”
- Picking up dropped utensil/food in kitchen
- Walking down hallway “name called” twisting knee to turn around

The Accident Scene

Statutory Provisions and Case Law

- Failure to timely report F.S. 440.185(1)
 - Definition of accident F.S. 440.02 and F.S. 440.09
 - Arising out of
- AND**
- In the course of employment



Issues with reporting and timeliness



Work Accident Defined



1. Arising out of
- AND
2. In the course of employment

Sedgwick CMS v. Valcourt-Williams,
271 So. 3d 1133, 1136 (Fla. 1st DCA 2019)

- An accident is compensable under Workers’ Compensation Law only if the employment necessarily exposed claimant to conditions that would substantially contribute to the risk of injury to which the claimant would not normally be exposed during her non-employment.
- Court held that to meet the "**arising out of**" requirement for compensability, there must be an occupational causation, a risk not existent in the claimant's 'non-employment life

Sedgwick CMS v. Valcourt-Williams,
271 So. 3d 1133, 1136 (Fla. 1st DCA 2019)

- In our example(s), the employee merely turned to allow a co-worker in a wheelchair to pass her, employee simply bent over to pick up a work item and employee was simply walking to clock out when she was "**injured**."



Martin v. Carpenter, F.S. 440.15(5)(a)



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**ATTACK
CREDIBILITY**







 Henderson|Franklin
ATTORNEYS AT LAW

David Roos, Esq.
david.roos@henlaw.com
239-344-1219

Russell Whittle
russell.whittle@henlaw.com
239-344-1218

Leslie Rippley
Leslie.Rippley@summitholdings.com
800-282-7644

Christopher Tritt
ctritt@imcccm.com
239-990-2100



Henderson, Franklin, Starnes & Holt, P.A.

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