

QUESTION 15 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V

ABC is a small but growing company that sells "green" carpet cleaning products. It anticipates an upsurge in business and plans to clear debris from a section of its warehouse to increase the warehouse's capacity to store products.

Joe, a college graduate, is one of ABC's ten employees. His job is to negotiate with sales agents and oversee the condition and operation of the warehouse. His job requires him to be on his feet eight hours per day. After learning that ABC will be clearing debris from the warehouse, Joe suggests to ABC that his son, Brandon, help in the debris clearing job in exchange for pizza, soft drinks, and the company's tickets to a Detroit Tiger's baseball game. The owner likes this cost-saving idea and agrees to this arrangement with Brandon.

The day arrived to clear the debris. Brandon and Joe during the normal workday were clearing the debris in the warehouse when an accident occurred. While lifting a heavy beam with Joe's help, Brandon hurt his back and dropped the beam on Joe's foot, crushing it. Brandon required medical attention for his back injury, but it was otherwise a minor problem. Joe's injury was more serious. His doctor told him he would never be able to work again at a job requiring him to be on his feet eight hours per day.

Joe and Brandon approach ABC seeking workers' compensation benefits. ABC says it has no liability to Brandon. ABC says it will pay for the medical treatment of Joe's injury, but not for any time lost from work.

Apply Michigan law to answer the following questions posed by the above facts:

1. Does ABC have any workers' compensation liability to Brandon? Explain your analysis.

2. Does ABC have any workers' compensation liability for weekly wage loss benefits to Joe? Explain your analysis.

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