

QUESTION 10 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

Claire is 20 years old and employed in the billing department of XYZ Corporation (XYZ), a medium-sized medical supply company. Recently XYZ's employees asked XYZ to provide a parking lot for the employees, something they felt they needed due to the scarcity of nearby public parking. XYZ begrudgingly agreed and did provide the employees a parking lot.

One morning Claire drove her car to work, arriving approximately 20 minutes prior to her usual 9:00 a.m. starting time. She parked her car in the employer-provided parking lot. After exiting her car and while walking toward the employee entrance, she stumbled on a few random pebbles on the ground in the parking lot and twisted her right knee. She reported to work and told her employer of her knee problem. Because Claire's job did not require her to be on her feet much, she did not miss any time from work that day or thereafter.

Over the next few days, Claire's knee continued to bother her. She initially dismissed the problem as not serious because she had suffered a strained ligament in the same knee while playing soccer as a high school senior, 1 years earlier. When the knee pain worsened over the ensuing days, however, Claire decided to see a doctor. After a thorough examination, including appropriate diagnostic films and tests, the doctor told Claire she had aggravated the previously strained ligament and the ligament was now torn and required surgery.

Claire asked XYZ to pay for her surgery and related medical treatment via its workers' compensation insurance. XYZ refused telling Claire this was primarily a soccer-related injury and, in any event, workers' compensation coverage does not encompass injuries occurring in the parking lot while on the way to work.

Answer the following two questions presented by the above facts in accord with Michigan workers' compensation law:

(1) Given Claire's preexisting soccer-related ligament injury, can XYZ be held liable for a subsequent tear of the same ligament? Explain your answer.

(2) Is Claire's alleged injury in the parking lot within the scope of the Workers' Disability Compensation Act? Explain your answer. Explain which workers' compensation rules are engaged in reaching your conclusion.

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV*******