

Randall, Vernon, Dec'd

COURSE OF EMPLOYMENT (RCW 51.08.013; RCW 51.08.180(1))

Deviation

A driver's personal deviation is not imputable to the passenger/worker who is otherwise in the course of his employment. ...*In re Vernon Randall, Dec'd, BIIA Dec., 47,325 (1977)*

Education and training off jobsite

Travel to a first aid class which the employer required the worker to attend is within the course of employment. ...*In re Vernon Randall, Dec'd, BIIA Dec., 47,325 (1977)*

Scroll down for order.

1 Supervisor specifically so testified. The evidence indicates that the deceased was attending
2 evening first aid training sessions in a school in Sedro Woolley (of which the session on the evening
3 of his fatal injury, October 6, 1975, was to have been the last) as the result of strong suggestions
4 and encouragement by the Burlington City Supervisor, so that the City would meet certain
5 mandatory requirements of the Washington Industrial Safety and Health Act. Attendance at such
6 sessions was clearly in furtherance of his employer's interests. RCW 51.08.013.
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10 The Department's Petition for Review argues that the sites of the first aid class was not a "job
11 site" as defined by RCW 51.32.015, and even if it was so classified, the application of the normal
12 "going and coming" rule, i.e., that a person is not normally in the course of employment while going
13 and coming between his home and his usual work place, would prevent recovery. This argument is
14 not applicable here. Of course, the school in Sedro Woolley where the first aid classes were given
15 was not a "job site" of City of Burlington. The point is, though, that the trip from Burlington to Sedro
16 Woolley to attend the evening class was a trip required by the workman's employment. In other
17 words, it was a "business trip" in the course of his employment.
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22 Department's counsel further argues that, even assuming the trip to the first aid classes as
23 business-related, once having arrived in Sedro Woolley on the evening in question, the workman
24 engaged in a "deviation" from the employment-related route and purpose of the trip, for personal
25 reasons. However, the evidence shows that the deceased was a passenger in an auto owned and
26 driven by Randal Rushman, who also lived in Burlington and was attending the first aid classes as a
27 Skagit County employee. We must conclude that the deceased had not abandoned the dominant
28 employment-oriented purpose of his trip. He was a passenger in the vehicle of Mr. Rushman, who
29 had elected to go on a side-trip to provide transportation for a friend to her home, about a mile
30 beyond the site of the first aid classes. After the friend was dropped off at her home, and the car
31 was heading back toward the school, the accident occurred. We cannot convert this generosity of
32 Mr. Rushman into a deviation, from the employment-related purpose of the journey to Sedro
33 Woolley, attributable to the deceased. While the side-trip was personal to Mr. Rushman, we do not
34 think it can be imputed as a personal errand on the part of the deceased. See, for other examples
35 of this conclusion, Larson's Workmen's Compensation Law, Vol. I, Sec. 19.50, at pages 4-260 and
36 4-261; Watson v. Marshall's U. S. Auto Supply (Mo.), 186 S. W. 2d 556 (1945); and Wesley v. Lea,
37 252 N.C. 540, 114 S. E. 2d 350 (1960).
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1 After consideration of the Proposed Decision and Order and the Petition for Review filed
2 thereto, and a careful review of the entire record before us, we are persuaded that the Proposed
3 Decision and Order made the proper disposition of this appeal, as a matter of law.
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5 Proposed Finding No. 2 is amended to read as follows:
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- 7 2. At the time of his death in an auto accident in the early evening of
8 October 6, 1975, at Sedro Woolley, Washington, Vernon Lee Randall
9 was in the furtherance of business of his employer, City of Burlington, in
10 that he was in Sedro Woolley on an employment-related journey from
11 Burlington. At the time of death, there was no deviation, attributable to
12 Mr. Randall, from the employment related purpose; and he was in the
13 course of his employment.
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15 As so amended, the hearing examiner's proposed findings, conclusions and order are hereby
16 adopted as this Board's findings, conclusions and order and are incorporated herein by this
17 reference.
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19 It is so ORDERED.
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21 Dated this 5th day of April, 1977.
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23 BOARD OF INDUSTRIAL INSURANCE APPEALS
24

25
26 /s/ _____
27 PHILLIP T. BORK Chairman
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30 /s/ _____
31 SAM KINVILLE Member
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