MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

SCHOLASTIC, INC.,

Appellant

v.

DAVID VILEY.

Respondent

DOCKET NUMBER WD77546

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: October 28, 2014

Appeal From:

LABOR AND INDUSTRIAL RELATIONS

Appellate Judges:

Division Four
Alok Ahuja, C.J. Presiding, Joseph M. Ellis, and James Edward Welsh, JJ.

Attorneys:

Stephen McManus, St. Louis, MO — Counsel for Appellant

Attorneys:

Jonathan McQuilkin, Columbia, MO — Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

SCHOLASTIC, INC., Appellant, v.
DAVID VILEY, Respondent

WD77546 **Labor and Industrial Relations**

Before Division Four Judges: Ahuja, C.J., Ellis, and Welsh, JJ.

As David Viley was leaving his place of employment at Scholastic, Inc., he injured his right knee when he slipped and fell in the parking lot on the way to his vehicle. The Labor and Industrial Relations Commission determined that Viley's injury was compensable under the Missouri Workers' Compensation Act and awarded benefits. Scholastic appeals the Commission's award.

Affirmed.

Division Four holds:

The Commission did not err in concluding that Viley's injury "arose out of and in the course of" his employment, and thus was compensable under the Workers' Compensation Act, based on its findings that:

> (1) the "extended premises" provision in section 287.020.5, RSMo, applied to the parking lot where Viley's injury occurred because the evidence established that Scholastic "controlled" that parking lot; and
>
> (2) the injury did "not come from a hazard or risk unrelated to the employment to which [Viley] would have been equally exposed outside of and unrelated to the employment in [his] normal nonemployment life" (§287.020.3(2)(b), RSMo). Viley was injured *because* he was at work, and nothing in the record supported a conclusion that he was equally exposed to the hazard of slipping and falling on that *particular* icy parking lot in his nonemployment life.

Opinion by James Edward Welsh, Judge October 28, 2014

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