

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**MISSOURI DEPARTMENT OF SOCIAL SERVICES,
APPELLANT**

vs.

**GWENDOLYN BEEM,
RESPONDENT**

DOCKET NUMBER WD78159

DATE: OCTOBER 13, 2015

Appeal from:

The Labor and Industrial Relations Commission

Appellate Judges:

Division Two: Thomas H. Newton, Presiding Judge, Victor C. Howard, Judge and Mark D. Pfeiffer, Judge

Attorneys:

Maggie M. Ahrens, for Appellant

Roger M. Gibbons, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MISSOURI DEPARTMENT OF SOCIAL SERVICES, APPELLANT

v.

GWENDOLYN BEEM, RESPONDENT

WD78159

Labor and Industrial Relations

Before Division Two: Thomas H. Newton, Presiding Judge, Victor C. Howard, Judge and Mark D. Pfeiffer, Judge

The Missouri Department of Social Services (“DSS”) appeals the judgment of the Labor and Industrial Relations Commission awarding worker’s compensation benefits to Gwendolyn Beem. DSS challenges the Commission’s determination, arguing that Ms. Beem’s injury did not arise out of and in the course of her employment because she was on break when the injury occurred and because the extension of premises doctrine did not apply because DSS allegedly did not control the parking lot where the injury occurred. DSS also contends that Ms. Beem failed to prove that she was not equally exposed to the risk or hazard causing her injury in her nonemployment life.

AFFIRMED.

Division Two Holds:

Ms. Beem established that her injury arose from the hazard of slipping on ice on a parking lot controlled by DSS and that being employed at DSS exposed her to that particular hazard. Ms. Beem thereby proved that her injury arose out of and in the course of her employment; therefore, the Commission’s award of worker’s compensation benefits for Ms. Beem’s injury was not erroneous.

Opinion by: Victor C. Howard, Judge

Date: October 13, 2015

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