

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT
DIVISION FOUR

MICHAEL HAGER,)	No. ED93420
)	
Appellant,)	Appeal from the Labor and Industrial
)	Relations Commission
)	
vs.)	
)	
)	Cause No. 06-117364
SYBERG’S WESTPORT AND)	
TREASURER OF MISSOURI AS)	
CUSTODIAN OF SECOND INJURY)	
FUND,)	
)	
Respondent.)	
)	Filed: February 23, 2010
)	

Michael D. Hager (hereinafter, “Claimant”) appeals from the decision of the Labor and Industrial Relations Commission (hereinafter, “the Commission”) which adopted the findings of the Administrative Law Judge (hereinafter, “the ALJ”) denying compensation to Claimant after he was injured while leaving work at Syberg’s Eating & Drinking Company (hereinafter, “Employer”). Claimant raises one point on appeal, but claims two bases for relief. First, Claimant alleges his injury arose out of and in the course of his employment because it occurred within a reasonable margin of time and space after his work had ended. Second, Claimant alleges his injury arose out of and in the course of his employment because it occurred either: (1) on a parking lot that was the Employer’s business premises or (2) on an extended premises which the Employer controlled within the meaning of Section 287.020.5 RSMo (2005).

AFFIRMED.

Division IV Holds: The Commission properly found Claimant’s injury did not arise out of and in the course of his employment. First, Claimant’s injury did not arise out of and in the course of employment because it came from “a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal non-employment life.” Section 287.020.3(2). Second, Claimant’s injury did not arise out of and in the course of employment because Employer did not control the parking lot where Claimant’s injury occurred within the meaning of Section 287.020.5.

Opinion by: George W. Draper III, J.

Kurt S. Odenwald, P.J., and Gary M. Gaertner, Jr., J. concur

Attorneys for Appellants: Alif A. Williams

Attorney for Respondents: Robert M. Evans
Sarah E. Reichert

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.