

SC Supreme Court's Position on the Compensability of Unexplained Falls

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On January 14, 2014, the South Carolina Supreme Court changed course regarding the compensability of unexplained falls. Both in *Nicholson v. South Carolina Department of Social Services* and *Barnes v. Charter 1 Realty*, a claimant tripped and fell on the carpet at work while walking down the hallway. Specifically, the Court clarified its position on what constitutes an idiopathic fall and whether an unexplained fall is compensable.

Idiopathic Falls

In *Barnes*, the Court noted that an idiopathic fall arises from an internal breakdown personal to the employee, negating any causal connection between the employment and the accident. However, the Court said that a finding that a fall is idiopathic is not warranted simply because the claimant is unable to point to a specific cause of her fall, whether or not the carpet or hallway was defective. Thus, idiopathic falls are not compensable, but the accidents in *Barnes* and *Nicholson* were not idiopathic because they were not *peculiar to* the claimant.

"Arising out of" Requirement

For an accidental injury to be compensable, it must "aris[e] out of and in the course of employment." S.C. Code Ann. § 42-1-160(A) (Supp. 2013). Regarding the "arising out of" issue, in *Barnes*, the Court explained that walking down the hall was a work task, clearly establishing a causal connection between her employment and the injuries she sustained. In *Nicholson*, the Court summed up its holding this way: "Because Nicholson's fall happened at work and was not caused by a condition peculiar to her, it was causally connected to her employment." Significantly, it appears the Court *no longer requires a claimant to present evidence that the employment was a proximate cause of the fall* in order to prove the injury is compensable.

MGC's [workers' compensation attorneys](#) are available to answer any questions you may have.

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