

Georgia Workers' Compensation Update

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Media Contact

Powers Tanis

Director of Strategic Marketing and
Communications 803.221.4907

email@mgclaw.com

Georgia Supreme Court Abolishes "Scheduled Break" Defense in Workers' Compensation Claims

On Tuesday, the Supreme Court of Georgia abolished the "scheduled break" defense when it overruled the Court of Appeals decision in *Frett v. State Farm Workers' Compensation et al.*

The Claimant in *Frett* had clocked out of work for a scheduled meal break and had fallen upon exiting the breakroom on her employer's premises. The Court of Appeals has previously ruled that under this particular set of circumstances the Claimant's accident was not compensable because she was clocked out and preparing to eat her lunch, which was an "individual affair" unconnected with her employer's work. The Supreme Court disagreed.

Instead, the Supreme Court found that the accident was in the course of the Claimant's employment because eating a meal was "reasonably necessary to sustain her comfort at work" and was "incidental" to her work. In this instance, the word "incidental" was used to mean that the activity in question, in this case a meal, was an activity secondary, but necessary, to the performance of her employment, such as ingress or egress to or from the employer's premises, or a bathroom or other break, etc.

The Court also found that the Claimant's accident arose out of her employment, meaning that there was a "causal connection between the conditions under which the employee must work and the injury." The Court reasoned that the wet floor on which the Claimant slipped was on the employer's premises, thus establishing the causal connection.

In light of this decision, employees remain in the course and scope of their employment, even when clocked out, if they are on the employer's premises and performing tasks for their personal comfort.

A copy of the Order can be found [here](#).

For more information, please contact an [MGC attorney](#).

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