

MGC Secures Victory at the Industrial Commission in Support of Independent Contractor Defense

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CONTRIBUTORS

Jason Toups

910.726.1126

jason.toups@mgclaw.com

Media Contact

Erica Gianetti

Marketing & Communications Supervisor

erica.gianetti@mgclaw.com

Attorney Jason Toups of MGC secured a defense victory before the North Carolina Industrial Commission in a claim arising from a traumatic head injury sustained by the plaintiff while working as a paid umpire in an adult softball league organized by a municipal Parks & Recreation Department. The plaintiff was struck in the head by a batted softball, resulting in significant medical treatment and an extended period out of work. They sought workers' compensation benefits on the theory that they were either a direct employee of the municipality or an employee of an uninsured subcontractor, making the municipality liable for benefits.

The defendants disputed employment status, asserting that the plaintiff served as an independent contractor—or as an employee of an independent contractor—placing them outside the Industrial Commission's jurisdiction. After hearing the evidence, the Deputy Commissioner agreed, rejecting the plaintiff's employment arguments and adopting the defense position that no statutory employment relationship existed, and therefore no benefits could be awarded. The ruling resulted in a complete defense win for MGC's client.

Questions? Click [here](#) to contact an MGC attorney.

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