

## **Benjamin Leonard set to argue before Georgia Court of Appeals on September 13, 2016**

By September 6, 2016

on September 13, 2016. The case will be one of importance to any employers who utilize traveling employees and/or employees who work in remote locations away from the employer's primary offices.

Generally speaking, the continuous employment doctrine in Georgia allows a traveling employee to suffer a compensable accident if the accident occurred during a time when the employee was required to be in a certain area or city for work related purposes, and additionally, the employee was within the general proximity of the work site where the work was to be performed ("general proximity" rule). At issue in the case Mr. Leonard is arguing is whether the doctrine applies to an employee who suffered a work related injury while at a hotel where he was staying on the day prior to starting his regular work during a time when he was not required to remain in the city where he was injured for work related reasons, thus he did not suffer an accident arising out of and in the course of his employment. Further grounds of appeal are based upon the issue of whether the "general proximity" rule applies to bar compensation of the claim. Final grounds of appeal are procedural in nature, and specifically whether the Superior Court of Richmond County violated the so-called "any evidence" standard of review by making a new finding of fact which it then used to reverse the courts below. The Court of Appeals most recently ruled on the issue of continuous employment in 2012 in *Medical Center Inc. v. Hernandez*, 319 Ga. App 335, 734 SE2d 557 (2012).

The Georgia Court of Appeals grants discretionary review of all workers' compensation matters in Georgia, meaning the appeal to the Court is first reviewed, then the Court determines if it will hear the appeal. Less than 15% of all workers' compensation matters are accepted on review by the Court. Of those 15% taken, less than 5% of that number are selected for oral argument before the Court, making such an occurrence a rarity for a workers' compensation practitioner.