

## What Happens if an Employee is Injured While Working From Home in Connecticut?

The Compensation Review Board considered the issue of what constitutes a compensable injury with respect to a home office in the case of *Labadie v. Norwalk Rehabilitation Services*, 4254 CRB-7-00-6 (2001). The decision articulated three factors to be considered when determining whether a claimant's home office is the equivalent of the work office: 1) a regular and substantial quantity of work to be performed at home, 2) the continuing presence of work equipment at home and 3) the special employment circumstances that make it necessary rather than personally convenient to work at home. In the event the Court finds that a claimant did in fact have a home office, the Court will then seek to separate work-related activities from nonwork-related activities and question whether the claimant has begun his work day and is in the process of doing something employment related at the time the injury occurs.

In *Biggs v. Combined Insurance Company of America*, 6247 CRB-7-18-2 (April 12, 2019) the CRB confirmed the dismissal of an injury which occurred at home. The claimant asserted she had a home office for the employer on a sun porch at her house. The Commissioner at trial found in favor of the Respondents and the Board affirmed the dismissal citing the Appellate Court case of *Baron v. Genlyte Thomas Group, LLC*, 132 Conn. App. 794 (2012) where the commissioner and the Appellate Court dismissed the claim finding that "he did so for his own personal convenience and not at the defendant's behest."

Given the current pandemic, however, a Commissioner may find that injuries sustained while at home fall under the "special employment circumstance" of the above three prong test. In *Tutunjiam v. Burns, Brooks and McNeil* 5618 CRB-6-11-1 (2012) the Board affirmed a finding of compensability when the claimant was injured while posting a business letter outside of a home office. In that case, the claimant was allowed to work from home on occasion and did so due to a storm. The claimant sustained injury when he left his house to post business mail, slipped, and seriously injured his arm. The Board applied the three prong test and determined the adverse conditions were a "special employment circumstance" which required the claimant to use his home office.

**Please contact us should you have any legal questions or require advice related to COVID-19's impact on Connecticut workers' compensation cases:**



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