

Georgia Workers' Compensation Update

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GA Court of Appeals Issues Clearer Bright-Line Rule for the Scheduled Break Exception

[*Frett v. State Farm Employee Workers' Compensation*](#)

In *Frett v. State Farm Employee Workers' Compensation*, the Georgia Court of Appeals denied workers' compensation benefits to an employee who had fallen while on the employer's premises during a scheduled break and created a clearer bright-line rule for the application of the scheduled break exception. The scheduled break exception holds that when an employee is free to do whatever the employee chooses during a scheduled break, the employee is not in the course and scope of employment, even when the employee remains on the employer's premises. However, the ingress and egress rule sets forth that an employee is in the course and scope of employment for a reasonable time period while the employee is on the employer's premises preparing to begin or end work. The Court acknowledged that its application of the ingress and egress rule to the scheduled break exception had led to arbitrary results and explicitly disapproved of its prior decisions.

The Court reasoned that there is no precedent upon which to apply the ingress and egress rule to the scheduled break exception. As a result, unless the Georgia Supreme Court specifically rules otherwise, an employee injured on the employer's premises during a scheduled break is not in the course and scope of employment and will not be entitled to workers' compensation benefits, even when the injury occurs while the employee is leaving from or returning to work for a scheduled break.

If you have questions regarding this decision, please contact one of MGC's [Georgia workers' compensation attorneys](#).

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