

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

LINCOLN UNIVERSITY

APPELLANT,

**v.
KATHY NARENS**

RESPONDENT.

DOCKET NUMBER WD79003

DATE: April 12, 2016

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division Two: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Karen King Mitchell, Judge

Attorneys:

Brian R. Herman, Jefferson City, MO, for appellant.

Brian J. Dean, St. Louis, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

LINCOLN UNIVERSITY,

APPELLANT,

v.

KATHY NARENS,

RESPONDENT.

No. WD79003

Labor and Industrial Relations Commission

Before Division Two: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Karen King Mitchell, Judge

Lincoln University appeals the decision of the Labor and Industrial Relations Commission awarding workers' compensation benefits to its employee, Kathy Narens, for an ankle injury she suffered after stepping off the steep edge of a sidewalk while leaving work. Lincoln argues that the Commission erred (1) by failing to conclude that the risk source of Narens's injury was walking; (2) in awarding Narens benefits even though her injury occurred after work; and (3) because the award of benefits was not supported by competent substantial evidence.

Affirmed.

Division Two holds:

The Commission did not err in concluding that the risk source of Narens's injury was walking along a sidewalk with a steep edge on Lincoln's campus. The Commission properly looked at the particular activity that caused Narens's injury and compared that particular activity to Narens's nonemployment life to determine whether Narens's injury arose out of and in the course of her employment.

The Commission did not err in awarding Narens benefits even though her injury occurred while leaving work. Narens did not have to prove that she was engaged in a work-related activity when the injury occurred in order to receive benefits. Narens was injured leaving work when she encountered a risk source on property owned and controlled by Lincoln. Therefore, Narens was entitled to benefits under the extension of premises doctrine.

The Commission's award of benefits is supported by competent substantial evidence. Competent substantial evidence, in the form of photographs and Narens's own testimony, supported the Commission's finding that the risk source of Narens's injury was walking on a crowded sidewalk with a steep edge.

Opinion by Cynthia L. Martin, Judge

April 12, 2016

This summary is UNOFFICIAL and should not be quoted or cited.