

Soda machine attacker wins workers' comp

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Employees typically earn workers' compensation for injuries incurred "in the course of work." In Illinois, it seems, attacking the company vending machine is all in a day's work.

The case: Clinton Dwyer shook the machine in a bid to help a co-worker dislodge her tasty treat. No luck. So he gave the machine a hockey-like check and fractured his hip in the process. He filed for workers' comp. The company fought it, but the court agreed with Dwyer, saying that the snack machine had previous problems, and the company had no policy against shaking it. (*Circuit City v. Dwyer*)

Note: Vending-machine vigilantes are also covered in Oregon. Two years ago, a court in that state ruled that a worker who hurt his foot while helping a co-worker extricate candy from a vending machine should receive workers' comp. (*Washington Group Intl. v. Barela*)

Response

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said this on 15 Aug 2009 6:41:02 PM EDT

It wasn't a soda machine; it was dry goods vending machine -- his work colleague wanted her Frito's. In addition, the test in Illinois is whether the injury occurred in the course of and arose out of the employment, not the "course of work." The court's decision is fairly liberal, but not out of the mainstream of cases that have awarded benefits in gray areas like this for many decades. The result may sound extreme, but it was predictable.