

Co-Worker and I Had An Accident In Our Office Parking Lot; Now what?

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Dear Ask the Attorney:

On Thursday, when the storm started, our company let us go early to avoid any issues. Although not much snow on the ground, there was some in the parking lot which was slippery. While pulling out of my parking space, one of my co-workers cars couldn't stop and slid into my car causing a bad fender bender and injuring both of us. Is this an issue for our car insurance companies or for the workers' compensation insurance?

Thanks,

JC

Our guest blogger today is Thomas F. Dorn Jr., Esq. Mr. Dorn is counsel to the firm of Einhorn Barbarito and a member of our Workers' Compensation and Personal Injury Departments. He was the first attorney in New Jersey to be certified by the Supreme Court of New Jersey as a both a Civil Trial and Workers' Compensation Attorney. He concentrates his practice solely in workplace accidents, car accidents, motorcycle accidents and other personal injury matters.

Dear JC:

Your question raises several potential issues depending on the circumstances of your car accident in the parking lot.

If your employer owns the entire property (the building and the parking lot) where your car accident with your co-employee occurred then you would have the right to pursue a workers' compensation claim against the workers' compensation insurance company for your employer. Because your accident

happened in your employer's premises—the parking lot—your injury is treated as a workers' compensation case even though you were not actually working when you were injured. As a result, your medical treatment will be directed and paid by the workers' compensation insurance company. Other than going to an Emergency Room at a hospital, you cannot go to a doctor of your choice; the medical provider must be authorized by the workers' compensation insurance company.

Also, because you were injured by a co-worker while you were still on company premises you are not permitted by law to file a personal injury action against your co-worker. Your only course of action is to file a workers' compensation case.

However, if the other driver was not a co-worker you may be able to file a workers' compensation case and a separate personal injury action against the automobile insurance company of the other driver. Further, if your employer uses an outside company to plow the parking lot and the lot was improperly plowed you may have the right to file a personal injury case against the snow plow company.

If you work in a building with multiple tenants or businesses and your employer does not own the parking lot or the entire property then you will most likely not be able to pursue a workers' compensation claim because you did not get injured on company premises. Under these circumstances you may pursue a personal injury case against the automobile insurance company for your co-worker's car. Your medical bills would be paid by your automobile insurance company and you can go to any medical provider that you choose. If you are unable to work then you have the right to file for short term disability if your employer provides private disability insurance or you can file for New Jersey State Temporary Disability benefits if your doctor states that you cannot work for a period of time.

Because the answer to your question depends on all of the facts you should consult with a workers' compensation attorney and/or a personal injury attorney to help you determine your rights and determine what type of case to pursue.

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