

## SUMMARY STATEMENT

*Kelly v. Blue Ribbon Linen Supply, Inc.*, Docket No. 42658

The Idaho Supreme Court reversed the Industrial Commission of the State of Idaho's decision that Barbara Kelly was not entitled to worker's compensation benefits for injuries. Kelly's injuries resulted from a head-on collision on wintery roads while Kelly was returning to her home in Lewiston following an independent medical evaluation (IME) in Post Falls. The IME was scheduled by her employer's surety and Kelly had a statutory duty to attend, under Idaho Code section 72-433, in order to continue to receive worker's compensation benefits for an earlier accident.

Applying an earlier decision, *Kiger v. Idaho Corp.*, 85 Idaho 424, 380 P.2d 208 (1963), the Commission decided that Kelly's injuries were not compensable because the injuries did not arise out of and in the course of her employment with Blue Ribbon Linen Supply, Inc. (Blue Ribbon). In *Kiger*, the employee was injured while traveling to a medical appointment for treatment of an industrial injury. The Supreme Court found that the rule pronounced in *Kiger* did not apply to Kelly because Blue Ribbon's surety directed her to attend the IME. The Supreme Court found that Kelly's situation was analogous to two situations (the special errand and traveling employee doctrines) where employees have been entitled to worker's compensation benefits. Thus, the Supreme Court held that Kelly's injuries arose out of and were in the course of her employment.