

SUMMARY STATEMENT

Atkinson v. 2M Company, Inc., Docket No. 45918

2M Company Inc. (“2M”) appeals an Industrial Commission (“Commission”) decision that determined Matthew Atkinson was entitled to reasonable medical benefits for injuries he sustained in an accident on his way to work. The Commission found that an exception to the “going and coming” rule this Court articulated in *Case of Barker*, 105 Idaho 108, 666 P.2d 635 (1983), applied based on 2M’s intent to compensate Atkinson for his travel time while going to or coming from work. 2M and its surety, Employer Assurance Company, timely appealed.

The Idaho Supreme Court affirmed the Commission’s determination that Atkinson’s accident arose out of and in the course of his employment with 2M, but applied *Hansen v. Estate of Harvey*, 119 Idaho 333, 806 P.2d 426 (1991), rather than *Case of Barker*. The Court adopted a bright-line rule and held that when an employee, while going or coming from work, is injured while operating or riding in an employer-provided vehicle, such an accident arises in the course of employment. The Court also held that the Commission did not err in failing to make a specific finding of fact about whether Atkinson’s accident arose out of his employment with 2M.