

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Bray and Overton  
Argued at Norfolk, Virginia

PEOPLES TELEPHONE COMPANY, INC. and  
UNITED STATES FIRE INSURANCE COMPANY

v. Record No. 1483-95-1

RICHARD JOSEPH GARRITY, JR.

MEMORANDUM OPINION\* BY  
JUDGE NELSON T. OVERTON  
JANUARY 30, 1996

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

William C. Walker (Donna White Kearney; Taylor &  
Walker, P.C.), for appellants.

Richard Joseph Garrity, Jr., pro se.

Peoples Telephone Company, employer, contends on appeal that the Workers' Compensation Commission erred in awarding Richard Garrity temporary total disability benefits. Because we find insufficient evidence in the record to support the commission's finding that Garrity's injury arose out of his employment, we reverse the commission.

The claimant was a telephone repairer for the employer. On January 28, 1994, he was sitting at a standard office desk when he had to bend over to pick up something that had fallen from his desk. Garrity could not remember what the item was, nor could he recall whether he first felt pain upon bending over or after he had grabbed the object.

An injury is compensable when it arises out of and in the

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\*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

course of the employment of the claimant. County of Chesterfield v. Johnson, 237 Va. 180, 183, 376 S.E.2d 73, 74 (1989); see Code § 65.2-101. An accident arises out of the employment when a causal connection exists between the claimant's injury and the conditions under which the employer requires the work to be performed. United Parcel Serv. v. Fetterman, 230 Va. 257, 258, 336 S.E.2d 892, 893 (1985). The causative danger must be peculiar to the work and incidental to the character of the business. If the injury stemmed from a hazard to which the employee would have been equally exposed apart from the employment, no compensation is warranted. Id.

Garrity injured his back while engaged in the type of normal motion that he would perform in his daily life outside the work environment. The record from the deputy commissioner's hearing demonstrates no unusual or awkward movement. The risk of injury was not heightened by the employment.

Having found no credible evidence to support a finding that Garrity's injury arose out of his employment, we reverse the commission's award of benefits.

Reversed and final judgment.