

COURT OF APPEALS OF VIRGINIA

Present: Judges Coleman, Willis and Senior Judge Hodges
Argued at Salem, Virginia

RUSSELL COUNTY MEDICAL CENTER
and
CONTINENTAL CASUALTY COMPANY

v. Record No. 1971-94-3
CURTIS E. CHANEY

MEMORANDUM OPINION* BY
JUDGE JERE M. H. WILLIS, JR.
MAY 9, 1995

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

Christen W. Burkholder (Woodward, Miles &
Flannagan, P.C., on briefs), for appellants.

Gregory R. Herrell (Arrington, Schelin &
Herrell, P.C., on brief), for appellee.

Russell County Medical Center and Continental Casualty Company appeal the decision of the Virginia Workers' Compensation Commission awarding Curtis E. Chaney temporary total disability benefits from April 20, 1993 to August 13, 1993 and the reasonable cost of medical care. Russell County Medical Center contends that Chaney's injury did not arise out of his employment as required by Code § 65.2-101. We find no error and affirm.

"In order for an injured worker to recover under the [Workers' Compensation] Act, he must prove an injury by accident 'arising out of and in the course of the employment.'" County of Chesterfield v. Johnson, 237 Va. 180, 183, 376 S.E.2d 73, 75 (1989). An injury does not arise out of employment if it is

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

caused by "a hazard to which the employee would have been equally exposed apart from the employment." Id.

Preparing to give an injection to a patient suffering an anaphylactic reaction, Chaney was walking down the hall while reading the patient's chart. He reached up to rub his head and because his attention was focused on the chart, he failed to see a door jamb. He struck his elbow on the jamb, causing his knuckle to injure his eye.

The commission found that "[w]alking while reading a chart is a hazard created by the circumstances of the job." The evidence supports this finding.

The judgment of the commission is affirmed.
Affirmed.