STATE OF MICHIGAN

COURT OF APPEALS

RICHARD N. BEAVO,

Plaintiff-Appellee,

v

INDEPENDENT BUILDING MAINTENANCE and MARYLAND CASUALTY INSURANCE COMPANY,

Defendants-Appellants.

UNPUBLISHED
April 9, 1999

No. 206037
WCAC
LC No. 96-000175

Before: Cavanagh, P.J., and MacKenzie and McDonald, JJ.

PER CURIAM.

Defendants appeal by leave granted the August 12, 1997, order of the Worker's Compensation Appellate Commission (WCAC) affirming the magistrate's award of benefits. We affirm.

The findings of the magistrate are conclusive when supported by substantial, competent, and material evidence. *Hagerman v Gencorp Automotive*, 457 Mich 720, 727; 579 NW2d 347 (1998). If the magistrate's decision is reasonably supported in the record by any competent, material, and substantial evidence, then it is conclusive and the WCAC must affirm. *Goff v Bil-Mar Foods (After Remand)*, 454 Mich 507, 538; 563 NW2d 214 (1997). Our review of the decision of the WCAC is limited to evaluating whether it exceeded its authority; if it is not clear that the WCAC acted beyond such authority, its findings are conclusive on appeal if supported by any competent evidence. *York v Wayne Co Sheriff's Dep't (On Remand)*, 227 Mich App 514, 517; 576 NW2d 436 (1998).

Defendants first argue that the WCAC erred as a matter of law in finding that plaintiff's injury occurred on the premises of the employer, as required by MCL 418.301(3); MSA 17.237(301)(3). We disagree. In *Simkins v General Motors Corp (After Remand)*, 453 Mich 703; 556 NW2d 839 (1996), the Supreme Court explained that

> when an employee is going to work or coming from work, an injury that occurs on property not owned, leased, or maintained by his employer is in the course of employment only if the employee is traveling in a reasonably direct route between the

> parking area owned, leased, or maintained by the employer and the worksite itself, unless the injury falls into one of the recognized exceptions. In such circumstances, the place of the injury, although not on property owned, leased, or maintained by the employer, is deemed to be on the employer's "premises" for the purposes of the statute. [*Id*. at 723.]

In the present case, the evidence establishes that plaintiff was injured in a parking lot which, although not owned by plaintiff's employer, had been designated for the use of Independent Building Maintenance employees working at Detroit Edison. The parking lot was thus an area that plaintiff's employer anticipated its employees would use, and the employer knew its employees would have to travel between the parking lot and the worksite. See *id*. at 724. Moreover, MCL 418.301(3); MSA 17.237(301)(3) creates a presumption that an injury is in the course of employment when an employee is injured going to or from work "while on the premises where the employee's work is to be performed." Accordingly, we conclude that the WCAC's finding that plaintiff was injured on the premises was supported by competent evidence. See *York*, *supra*.

Defendants also assert that the WCAC erred in finding that plaintiff's injury arose out of the course of his employment. See MCL 418.301(1); MSA 17.237(301)(1). Defendants emphasize that the shooting occurred approximately eighteen hours after the altercation between plaintiff and the coworker who shot him. We conclude that the WCAC's finding is supported by competent evidence. See *York*, *supra*. Indeed, the only evidence of any dispute between plaintiff and his coworker involved work-related equipment. It was reasonable to infer that the shooting was related to the work-related argument which occurred the day before.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Barbara B. MacKenzie
/s/ Gary R. McDonald