[Cite as *Hinerman v. Savant Sys., Inc.*, 2022-Ohio-2857.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
HOCKING COUNTY

Brenda E. Hinerman,	:	Case No. 21CA14
Plaintiff-Appellee,	:	
v.	:	DECISION AND JUDGMENT ENTRY
Savant Systems, Inc., et al.	:	
Defendants-Appellants.	:	**RELEASED 8/16/2022**

APPEARANCES:

J. Anthony Coleman, Hanna, Campbell & Powell, LLP, Akron, Ohio, for appellant Savant Systems, Inc.

Dave Yost, Ohio Attorney General, and Denise A. Gary, Assistant Attorney General, Columbus, Ohio, for appellant Ohio Bureau of Workers' Compensation.

Jon H. Goodman, Jon Goodman Law, LLC, Worthington, Ohio, and Katherine E. Ivan, The Ivan Law Firm, Columbus, Ohio, for appellee.

Hess, J.

{¶1} Brenda E. Hinerman filed a workers' compensation claim after closing her truck door on her finger while in the parking lot of her employer, Savant Systems, Inc. ("Savant"). The claim was administratively disallowed. Hinerman appealed to the Hocking County Common Pleas Court, which found that she had a compensable injury, granted her motion for summary judgment, and overruled the summary judgment motions of Savant and the Ohio Bureau of Workers' Compensation ("BWC"). Savant and BWC now appeal from the trial court's judgment. For the reasons that follow, we reverse and remand this matter to the trial court to enter summary judgment in favor of Savant and BWC and for further proceedings consistent with this decision.

I. FACTS AND PROCEDURAL HISTORY

{¶2} Hinerman works at a Savant factory making glass tubing for fluorescent lights. Savant owns and controls two parking lots which are the only places employees can park and provide the only means of ingress to and egress from the factory. On August 20, 2020, Hinerman was scheduled to begin a shift at 11:00 p.m. She drove her personal truck into Savant's upper parking lot, the lot closest to the factory, at about 10:50 p.m. She parked and exited her truck while carrying her lunch box in her left hand or over her left shoulder and a bag of Savant's flame-retardant jackets, which she had taken home to wash, in her right hand. A coworker parked beside her, and they began to converse about a difficult shift Hinerman had covered for the coworker the week before. Hinerman accidentally closed her truck door on her right pinky finger and had to unlock the door to free it. After composing herself, Hinerman walked into the factory and went to the first-aid room to get treatment. Later during her shift, Hinerman notified her supervisor of the finger injury.

{¶3} Hinerman sustained a fracture of her right fifth distal phalanx, which was complicated by a staph infection. She was off work from August 29, 2020, through November 7, 2020. During that time, she developed cholestasis, a liver disorder resulting from antibiotics prescribed to treat the infection. On November 8, 2020, she returned to full work duty.

{¶4} She filed a workers' compensation claim which BWC disallowed. Hinerman appealed, and an Ohio Industrial Commission district hearing officer disallowed the claim. Hinerman appealed, and a staff hearing officer at the commission disallowed the claim on the ground that there was insufficient proof that the injury occurred in the course of

and arose out of Hinerman's employment. Hinerman again appealed, but the commission refused to hear the appeal under R.C. 4123.511(E) and later denied her request for reconsideration. Hinerman next filed an appeal in common pleas court under R.C. 4123.512. Hinerman, Savant, and BWC each moved for summary judgment.

{¶5} After hearing oral argument on the motions, the trial court concluded Hinerman had a compensable injury. The court explained that under the coming-and-going rule, injuries incurred by fixed-situs employees like Hinerman while traveling to or from work are not compensable because they lack the requisite causal connection to the employment. However, the rule does not operate as a complete bar to compensation for employees injured in the zone of employment. The court explained that Hinerman was in the zone of employment at the time of her injury because she was in a parking lot owned and controlled by Savant. She was "just about to start her shift" and was acting for the benefit of Savant because she had arrived "for the specific purpose of going to work." The injury occurred while she was "in the process of exiting and securing her vehicle so she could go to work." She had to park on Savant's property, exit her vehicle, and secure it by closing and locking the doors. The court explained that "[t]his is all part of reporting for work." The court noted that "properly secured vehicles are of some value to the employer in that, if vehicles are not properly secured, employees would be distracted and would be tempted to check on their vehicles during working hours." In addition, "work would likely be disrupted by an increase in thefts of parked vehicles and out of the vehicles parked in the parking lot." The court recognized Hinerman's injury resulted from her own carelessness but stated that

> the case law leads the Court to believe, that if Ms. Hinerman tripped over her own two feet in the parking lot on her way into the factory, that under

> those facts, her injury would be compensable under Ohio Law. See White v. Bureau of Worker's Compensation, 2018-Ohio-4309 (9th Dist.)[.] This Court does not believe that there is a great deal of difference between injury due to tripping over your own feet and accidentally crushing your finger in a car door.

[*Id.* at 5] The court granted Hinerman's motion for summary judgment and overruled the summary judgment motions of Savant and BWC.

II. ASSIGNMENTS OF ERROR

{¶6} Savant presents two assignments of error:

> **Assignment of Error No. 1:** The Trial Court Erred by Granting Appellee's Motion for Summary Judgment as Appellee Cannot Establish a Compensable Workers' Compensation Claim.
>
> **Assignment of Error No. 2:** The Trial Court Erred by Denying Appellants' Motions for Summary Judgment as Appellee Cannot Establish a Compensable Workers' Compensation Claim.

{¶7} BWC presents one assignment of error: "The Trial Court erred in granting Summary Judgment in favor of Hinerman and in denying the BWC's and Savant's Motions for Summary Judgment."

III. LAW AND ANALYSIS

{¶8} Savant's first assignment of error challenges the grant of summary judgment to Hinerman and second assignment of error challenges the denial of summary judgment to Savant and BWC. BWC's sole assignment of error also challenges these rulings. Because the assignments of error are related, we consider them together.

A. Standard of Review

{¶9} R.C. 4123.512(A) authorizes a claimant to appeal to a common pleas court an Industrial Commission order which denies the claimant's right to participate in the workers' compensation fund. *Benton v. Hamilton Cty. Educational Serv. Ctr.*, 123 Ohio

St.3d 347, 2009-Ohio-4969, 916 N.E.2d 778, ¶ 8. "The common pleas court's review in a R.C. 4123.512 appeal is de novo, and the claimant bears the burden of proving a right to participate in the workers' compensation fund regardless of the decision below." *Willis v. Ohio Dept. of Transp.*, 2016-Ohio-1593, 50 N.E.3d 581, ¶ 38 (4th Dist.).

{¶10} In this case, the common pleas court resolved the matter on motions for summary judgment. We review a decision on motions for summary judgment de novo. *Willis* at ¶ 35; *Harter v. Chillicothe Long-Term Care, Inc.*, 4th Dist. Ross No. 11CA3277, 2012-Ohio-2464, ¶ 12. We afford no deference to the trial court's decision but rather conduct an independent review to determine whether summary judgment is appropriate. *Harter* at ¶ 12. "A summary judgment is appropriate only when: (1) there is no genuine issue of material fact; (2) reasonable minds can come to but one conclusion when viewing the evidence in favor of the nonmoving party, and that conclusion is adverse to the nonmoving party; and (3) the moving party is entitled to judgment as a matter of law." *Hawk v. Menasha Packaging*, 4th Dist. Ross No. 07CA2966, 2008-Ohio-483, ¶ 6.

{¶11} "The party moving for summary judgment bears the initial burden to demonstrate that no genuine issues of material fact exist and that they are entitled to judgment in their favor as a matter of law." *DeepRock Disposal Solutions, LLC v. Forté Prods., LLC*, 4th Dist. Washington No. 20CA15, 2021-Ohio-1436, ¶ 68. "To meet its burden, the moving party must specifically refer to 'the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action,' that affirmatively demonstrate that the nonmoving party has no evidence to support the nonmoving party's claims." *Id.*, quoting

Civ.R. 56(C). "Once that burden is met, the nonmoving party then has a reciprocal burden to set forth specific facts to show that there is a genuine issue for trial." *Id.* at ¶ 6.

B. Requirements for a Compensable Injury

{¶12} The purpose of the Ohio Workers' Compensation Act "is to protect employees against risks and hazards incident to the performance of their work." *Bailey v. Republic Engineered Steels, Inc.*, 91 Ohio St.3d 38, 41, 741 N.E.2d 121 (2001). The workers' compensation system is a no-fault system. *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, 125 Ohio St.3d 280, 2010-Ohio-1029, 927 N.E.2d 1092, ¶ 75. "[N]egligence on the part of an employer is irrelevant in determining whether [a work-related injury] is compensable." *Griffin v. Hydra-Matic Div., Gen. Motors Corp.*, 39 Ohio St.3d 79, 81, 529 N.E.2d 436 (1988). Likewise, " 'contributory negligence of the employee, not amounting to a purposely self-inflicted injury' " will not defeat a workers' compensation claim. *Marlow v. Goodyear Tire & Rubber Co.*, 10 Ohio St.2d 18, 21-22, 225 N.E.2d 241 (1967),[1] quoting *Kasari v. Indus. Comm.*, 125 Ohio St. 410, 181 N.E. 809 (1932), paragraph three of the syllabus.

{¶13} "An injury compensable under the workers' compensation system must have occurred 'in the course of, and arising out of, the injured employee's employment.' " *Friebel v. Visiting Nurse Assn. of Mid-Ohio*, 142 Ohio St.3d 425, 2014-Ohio-4531, 32 N.E.3d 413, ¶ 12, quoting R.C. 4123.01(C). Both prongs of this statutory definition must be satisfied. *Id.* Generally, these prongs present questions of fact for a jury, but if "the

[1] In *Ross v. Mayfield*, 4th Dist. Ross No. 1510, 1989 WL 116935, *2 (Sept. 27, 1989), we stated that the Supreme Court of Ohio overruled *Marlow v. Goodyear Tire & Rubber Co.*, 10 Ohio St.2d 18, 225 N.E.2d 241 (1967), in *Griffin v. Hydra-Matic Div., Gen. Motors Corp.*, 39 Ohio St.3d 79, 529 N.E.2d 436 (1988). However, that is not the case. *Griffin* discussed *Marlow*, but *Marlow* was not among the decisions *Griffin* overruled.

evidence is such that reasonable minds may arrive at only one conclusion," they present questions of law the court may decide. *Lloyd v. Admr., Bur. of Workmen's Comp.*, 120 Ohio App. 221, 225, 201 N.E.2d 804 (3d Dist.1963).

{¶14} "The 'in the course of' prong relates to the time, place, and circumstances of the injury" and "limits workers' compensation benefits to employees who sustain injuries while engaged in a required employment duty or activity consistent with their contract for hire and logically related to the employer's business." *Friebel* at ¶ 13. "The 'arising out of' prong refers to the causal connection between the employment and the injury, and whether there is sufficient causal connection to satisfy this prong ' "depends on the totality of the facts and circumstances surrounding the accident, including: (1) the proximity of the scene of the accident to the place of employment, (2) the degree of control the employer had over the scene of the accident, and (3) the benefit the employer received from the injured employee's presence at the scene of the accident." ' " *Id.* at ¶ 14, quoting *Fisher v. Mayfield*, 49 Ohio St.3d 275, 277, 551 N.E.2d 1271 (1990), quoting *Lord v. Daughtery*, 66 Ohio St.2d 441, 423 N.E.2d 96 (1981), syllabus. "This list of factors is not exhaustive, however, and an employee may fail to establish one or more of these three factors and still be able to establish the requisite causal connection." *Id.*

{¶15} For employees like Hinerman "with a fixed place of employment, the general rule is that the requisite causal connection is absent when an injury occurs while traveling to or from the workplace—the 'coming-and-going rule.' " *Id.* at ¶ 16. However, there are exceptions to this rule. *Id.* at ¶ 17. The rule "does not operate as a complete bar to an employee who is injured commuting to and from work if the injury occurs within the 'zone of employment.' " *MTD Prods., Inc. v. Robatin*, 61 Ohio St.3d 66, 68, 572 N.E.2d 661

(1991). The "zone of employment" "is the place of employment and the area thereabout, including the means of ingress thereto and egress therefrom, under the control of the employer." *Merz v. Indus. Comm.*, 134 Ohio St. 36, 39, 15 N.E.2d 632 (1938). "Injuries sustained while the employee is within [the] 'zone of employment' may be compensable * * *." *Bralley v. Daugherty*, 61 Ohio St.2d 302, 304, 401 N.E.2d 448 (1980). In addition, exceptions to the coming-and-going rule apply "when the injury occurred due to a 'special hazard' inherent in the employment or when the totality of the circumstances otherwise demonstrates a causal connection between the injury and employment." *Friebel* at ¶ 17.

{¶16} "Because workers' compensation cases are fact specific, no one factor is controlling and '[n]o one test or analysis can be said to apply to each and every factual possibility.' " *Id.* at ¶ 18, quoting *Fisher* at 280. "The overarching consideration is that the statute must be accorded a liberal construction in favor of awarding benefits." *Id.,* citing R.C. 4123.95.

C. Positions of the Parties

1. Savant's Arguments

{¶17} Savant contends that Hinerman's injury did not occur in the course of her employment given the time, place, and circumstances of the injury. Savant emphasizes the fact that the injury occurred before Hinerman's shift began, that the injury did not occur inside the factory where Hinerman works, that she was not being paid at the time of the injury, and that she was not performing her job duties at the time of the injury. According to Savant, Hinerman's "actions at the moment of the injury were not related to or incidental to Savant's business or Hinerman's work duties." Rather, "her activities were personal." "She was exiting her personal vehicle," which she "presumably" does "several times each

day," and "[t]he circumstances of [her] injury could have occurred anywhere." Savant also asserts that it is "crucial to note" the lack of evidence that Hinerman's injury was related to her carrying safety clothing or conversing with her coworker.

{¶18} Savant also contends that Hinerman's injury did not arise out of her employment under the totality of the circumstances. Savant concedes "a degree of proximity" between the scene of the accident and place of employment. However, Savant asserts that the workers' compensation system "requires at least a modicum of control by employers in order to create the causal connection necessary to establish compensability." Savant claims it "had no control or ability to control Hinerman's action of shutting her finger in her personal vehicle's door when exiting the vehicle," and there was nothing it could have done to prevent or mitigate the accident. Savant asserts that this case is distinguishable from other cases where employees have gotten compensation for parking lot injuries because in those cases, "the parking lot was in the employer's control, and the employer could have prevented the fall or mitigated the hazard by correcting the defect" responsible for the injury. Savant maintains that appellate courts have denied workers' compensation claims "when an employer plays no role due to a lack of control." Savant also asserts it received little or no benefit from Hinerman's presence at the accident scene because she was "simply showing up to work, but not yet working."

2. BWC's Arguments

{¶19} BWC contends that the trial court erred because it failed to make a specific finding on whether the injury occurred in the course of employment. BWC asserts that the injury did not occur in the course of employment because the injury occurred before

Hinerman entered the factory and began her shift, and her acts of exiting and locking her vehicle were "not in furtherance of her job duties at Savant or directly or incidentally in the service of Savant." In addition, BWC asserts that the fact that Hinerman was speaking to a coworker at the time of the accident is immaterial because the conversation was not in furtherance of or incidental to Savant's business.

{¶20} BWC also contends that Hinerman's injury did not arise out of her employment because no exception to the coming-and-going rule applies. BWC claims that the zone of employment exception does not apply because "there was nothing about the location of the incident that caused the incident. Rather, the incident was caused by Hinerman accidentally shutting her hand" in the door of her personal vehicle, which Savant did not control. BWC also claims that the totality of the circumstances exception does not apply because even though Hinerman "may have been in close proximity" to the factory, Savant had "no control" over her "personal vehicle or over her actions in shutting her finger in her own car door," and Hinerman's acts of arriving for work and securing her vehicle did not benefit Savant. BWC also claims that the special hazard exception does not apply, but Hinerman has not asserted that it does.

3. Hinerman's Arguments

{¶21} Hinerman contends she was injured in the course of her employment because the accident occurred on Savant's premises just before the start of her shift, the only reason she was there was to report for work, and she was carrying work-related safety clothing and discussing a prior shift with a co-worker when she was injured. Hinerman also contends her injury arose from her employment. She claims the coming-and-going rule does not bar her claim because she was injured in the zone of

employment, and "once an employee is in the zone of employment, activities that are incidental to employment, such as walking or driving across the parking lot, result in a compensable claim if an injury occurs while they are being performed." She asserts that "[e]xiting a vehicle in the employer's parking lot is just as incidental to a job as walking or driving through an employer's parking lot." Hinerman directs our attention to cases she claims involve employees found to have suffered compensable injuries in parking lots despite the fact that they were not working at the time of the injury or suffered injury in an accident involving a personal vehicle. Hinerman also asserts that the injury occurred on Savant's premises, that Savant had control of the parking lot, and that "the employer's ability to control the mechanism of injury itself is not part of the compensability test." Hinerman claims Savant benefitted from her presence in the parking lot because she was reporting for work and returning clean safety clothing.

D. Hinerman's Injury is not Compensable

{¶22} Even if Hinerman's injury occurred in the course of her employment, the injury did not arise out of her employment. The trial court correctly found that Hinerman was injured in the zone of employment. Again, the "zone of employment" "is the place of employment and the area thereabout, including the means of ingress thereto and egress therefrom, under the control of the employer." *Merz*, 134 Ohio St. at 39, 15 N.E.2d 632. Hinerman was injured in one of two parking lots owned and controlled by Savant which provide the only means of ingress to and egress from the factory where she works. As a result, the coming-and-going rule "does not operate as a complete bar" to her workers' compensation claim. *MTD*, 61 Ohio St.3d at 68, 572 N.E.2d 661.

{¶23} However, the fact that her injury occurred in the zone of employment does not end our inquiry under the "arising out of" prong. Again, the Supreme Court of Ohio has stated that "whether there is sufficient causal connection to satisfy this prong ' "depends on the totality of the facts and circumstances surrounding the accident including: (1) the proximity of the scene of the accident to the place of employment, (2) the degree of control the employer had over the scene of the accident, and (3) the benefit the employer received from the injured employee's presence at the scene of the accident." ' " *Friebel*, 142 Ohio St.3d 425, 2014-Ohio-4531, 32 N.E.3d 413, at ¶ 14, quoting *Fisher*, 49 Ohio St.3d at 277, 551 N.E.2d 1271, quoting *Lord*, 66 Ohio St.2d 441, 423 N.E.2d 96, at syllabus. The totality of the facts and circumstances surrounding the accident in this case show that Hinerman's injury did not arise out of her employment.

{¶24} Initially, we address the three factors identified in *Friebel.* The scene of the accident was somewhat near Hinerman's place of employment but not within it. Savant had control over the parking lot where the accident occurred. However, Savant received little benefit from Hinerman's presence there. Although she was positioned to get to work on time and return clean safety clothing, she had not arrived at the place where her work was to be performed. *See MTD* at 70 ("an employee arriving to begin his day's work is not yet performing any service for the benefit of his employer").

{¶25} Because the list of factors in *Friebel* is not exhaustive, *Friebel* at ¶ 14, we must also consider the other facts and circumstances surrounding the accident. Hinerman had to traverse a Savant parking lot to get to work; doing so was a necessary incident to her day's work. *See Kasari*, 125 Ohio St. 410, 181 N.E. 809, at paragraph one of the syllabus ("An employee, entering the premises of his employer to begin the

discharge of the duties of his employment, but who has not yet reached the place where his service is to be rendered, is discharging a duty to his employer which is a necessary incident to his day's work"). Traversing the parking lot was one of the hazards of her employment. *See id.* at paragraph two of the syllabus ("Traversing the zone between the entrance of the employer's premises and the plant where an employee is employed is one of the hazards of the employment"). However, she was not injured traversing the parking lot. She was injured closing the door of her truck. Even though such conduct is typical of employees who elect to drive a car or truck to work because it protects their personal property from theft and the elements, it was not a necessary incident to Hinerman's day's work.

{¶26} This case is distinguishable from *White v. Bur. of Workers' Comp.*, 9th Dist. Summit Nos. 28831, 28853, 2018-Ohio-4309, which the trial court relied upon, and the "parking lot" cases on which Hinerman relies. In *White*, the employee's injury related to a physical characteristic of a parking lot—the employee slipped on the lip of pavement in the parking lot. *White* at ¶ 2. In several of the cases Hinerman relies upon, employees walking to or from work suffered an injury related to an employer-controlled device on the premises, a physical characteristic of the premises, or a hazard on the ground. *See Lemming v. Univ. of Cincinnati*, 41 Ohio App.3d 194, 534 N.E. 1226 (1st Dist.1987) (employee in employer's parking garage struck by automated traffic gate under employer's control while walking to her car during a paid morning break); *Tucker v. Michael's Store, Inc.*, 3d Dist. Allen No. 1-02-94, 2003-Ohio-1538 (employee slipped on ice while stepping onto sidewalk in front of employer's business on way to work); *Packer v. Kroger Co.*, 6th Dist. Lucas No. L-01-1407, 2002-Ohio-1185 (employee fell walking

down ramp at end of sidewalk to designated employee parking area after work in winter and coworker was sent to salt the ramp afterwards); *Remer v. Conrad*, 153 Ohio App.3d 507, 2003-Ohio-4096, 794 N.E.2d 766 (6th Dist.) (employee slipped on ice on cart ramp at store entrance while walking from workplace to car after arriving too early to clock in); *Meszaros v. Legal News Publishing Co.*, 138 Ohio App.3d 645, 742 N.E.2d 158 (8th Dist.2000) (employee fell on ice in driveway while walking to work); *Rock v. Parma Bd. of Edn.*, 8th Dist. Cuyahoga No. 79268, 2001 WL 1353247 (Nov. 1, 2001) (bus driver slipped on ice in bus parking lot while walking back to work after completing personal errand); *Hicks v. Safelight Group, Inc.*, 2021-Ohio-3044, 178 N.E.3d 63 (10th Dist.) (employee slipped and fell while stepping on sidewalk while walking to building entrance); *Jesse v. May Dept. Stores Co.*, 11th Dist. Lake No. 2003-L-064, 2004-Ohio-5313 (employee slipped on ice in parking lot while going to work).

{¶27} In the rest of the cases, the employees were injured in a motor vehicle accident, which is a "natural hazard" of a parking area. *Marlow*, 10 Ohio St.2d at 22, 225 N.E.2d 241 (employee's vehicle struck by coworker's vehicle in employer's parking area while leaving work). *See also Kasari*, 125 Ohio St. 410, 181 N.E. 809 (employee struck by automobile on employer's roadway on way to work); *Griffin*, 39 Ohio St.3d 79, 529 N.E.2d 436 (employee slipped on wet or icy spot traversing driveway between employer's plant and parking lot after work); *Donnelly v. Herron*, 88 Ohio St.3d 425, 727 N.E.2d 882 (2000) (security guard at rental car parking lot struck by coworker's automobile while working in the parking lot); *Bungard v. Jeffers*, 2014-Ohio-334, 8 N.E.3d 336 (4th Dist.) (employee's vehicle struck by coworker's vehicle in employer's parking lot while employee was getting ready to exit vehicle and go to work); *Marks v. Kroger Co.*, 5th Dist. Licking

No. 99CA0027, 1999 WL 770626 (Sept. 2, 1999) (employee struck by automobile while crossing fire lane in parking lot after work); *Kenney v. Ables*, 2016-Ohio-2714, 63 N.E.3d 788 (5th Dist.) (employee struck by coworker's vehicle in employer's parking lot while leaving work); *Bussell v. Mattin,* 3 Ohio App.3d 339, 445 N.E.2d 696 (6th Dist.1981) (employee's vehicle struck by coworker's vehicle in parking lot after work); *Frishkorn v. Flowers*, 26 Ohio App.2d 165, 270 N.E.2d 366 (8th Dist.1971) (employee's motor bike struck by vehicle in parking area while on way to work); *Pursley v. MBNA Corp.*, 8th Dist. Cuyahoga No. 88073, 2007-Ohio-1445 (employee's vehicle struck by co-employee's vehicle while exiting employer's parking garage after company picnic on employer campus); *Kobak v. Sobhani*, 8th Dist. Cuyahoga No. 94764, 2011-Ohio-13 (employee struck by coworker's automobile while walking from parking garage to work).

{¶28} Even though Hinerman was injured in an employer-controlled parking lot somewhat near her workplace, she was not injured due to an employer-controlled device in the lot, a physical characteristic of the lot, a hazard on the ground like ice, a motor vehicle accident, or any other risk or hazard which was incident to traversing the parking lot and therefore incident to the performance of her work. She was injured due to her efforts to protect her personal property in a location where her presence provided little benefit to her employer. Although she was carrying work safety clothing at the time of the accident, there is no evidence that fact contributed to her accident. *Compare Kilbane v. Lutheran Hosp.-Cleveland Clinic*, 8th Dist. Cuyahoga No. 101891, 2015-Ohio-1459, ¶ 6-7, 15-16, 18 (nurse who had to personally maintain required nursing garb and fell when wind grabbed bag of soiled garb she was carrying to her car after work established causal connection between injury and employment as "her fall resulted from the bag's hindrance

of her safe movement from her workplace to her car"). Moreover, the fact that she was conversing with a coworker about work does not support a finding that her injury arose from her employment. Even if Hinerman had been distracted by the conversation, it was of a personal nature. Hinerman was telling the coworker about how difficult a past shift had been—information which in no way furthered Savant's business.

{¶29} There is no genuine issue of material fact in this case. When viewing the evidence in favor of Hinerman, reasonable minds can come to but one conclusion—that her injury did not arise out of her employment with Savant. As a result, Hinerman does not have a compensable injury, and Savant and BWC are entitled to judgment as a matter of law. Therefore, the trial court erred when it overruled the summary judgment motions of Savant and BWC and granted summary judgment in favor of Hinerman. Accordingly, we sustain Savant's first and second assignments of error and BWC's sole assignment of error, and we reverse the trial court's judgment. We remand this matter to the trial court to enter summary judgment in favor of Savant and BWC and for further proceedings consistent with this decision.

JUDGMENT REVERSED
AND CAUSE REMANDED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS REVERSED and that the CAUSE IS REMANDED. Appellee shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Hocking County Common Pleas Court to carry this judgment into execution.

Any stay previously granted by this Court is hereby terminated as of the date of this entry.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Smith, P.J. & Abele, J.: Concur in Judgment and Opinion.

For the Court

BY: _____
Michael D. Hess, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.