

## WHOLE COURT

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**January 22, 2021**

### In the Court of Appeals of Georgia

A18A0820. FRETT v. STATE FARM EMPLOYEE WORKERS' COMPENSATION et al.

BROWN, Judge.

In *Frett v. State Farm Employee Workers' Compensation*, 348 Ga. App. 30 (821 SE2d 132) (2018) ("*Frett I*"), this Court affirmed the superior court's order upholding the decision of the State Board of Workers' Compensation to deny Rochelle Frett's claim for benefits under the Workers' Compensation Act, OCGA § 34-9-1 et seq. Id. at 36. In *Frett v. State Farm Employee Workers' Compensation*, 309 Ga. 44 (844 SE2d 749) (2020) ("*Frett II*"), the Supreme Court reversed our decision, overruling *Ocean Acc. & Guar. Corp. v. Farr*, 180 Ga. 266 (178 SE 728) (1935), and concluding that "Frett's injury occurred 'in the course of' her employment and arose 'out of' her employment under the Act." 309 Ga. at 62 (3) (c). We now vacate our

earlier opinion and adopt as our own the Supreme Court's opinion in *Frett II*.

Accordingly, the decision of the superior court is reversed.

*Judgment reversed. McFadden, C. J., Barnes, P. J., Miller, P. J., Doyle, P. J., Dillard, P. J., Rickman, P. J., Reese, P. J., Mercier, Markle, Hodges, Pipkin, Colvin, JJ., and Senior Appellate Judge Herbert E. Phipps, concur. Gobeil, J., disqualified.*