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Dodson v. Dubose Steel, Inc.
No. 405A03
Filed 6 February 2004

Workers' Compensation—truck driver—exiting truck during “road rage”—injury not arising out of and in course of employment

The decision of the Court of Appeals affirming an award of compensation for the death of a truck driver is reversed for the reasons stated in the dissenting opinion in the Court of Appeals that the truck driver's death resulting from his being struck by a vehicle after exiting his truck to confront the driver of the other vehicle in an act of “road rage” did not arise out of and in the course of his employment.

IN THE SUPREME COURT OF NORTH CAROLINA

No. 405A03

FILED: 6 FEBRUARY 2004

SHELBY J. DODSON, Widow and Personal Representative of the Estate of JOHN E. DODSON, Deceased, Employee

v.

DUBOSE STEEL, INC., Employer, and AMERICAN MANUFACTURERS MUTUAL, Carrier

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 159 N.C. App. 1, 582 S.E.2d 389 (2003), affirming an opinion and award entered by the North Carolina Industrial Commission on 18 January 2002. Heard in the Supreme Court 9 December 2003.

R. James Lore; and Johnson & Parsons, P.A., by Dale P. Johnson, for plaintiff-appellee.

Hedrick, Eatman, Gardner & Kincheloe, L.L.P., by Maura K. Gavigan and Erin D. Eveson, for defendant-appellants.

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed and the case is remanded to the Court of Appeals for further remand to the North Carolina Industrial Commission for proceedings not inconsistent with the dissenting opinion.

REVERSED AND REMANDED.