

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

April 15, 1997

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-1167

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

**La Crosse Visiting Nurse Association
and Virginia Surety Company,**

Plaintiffs-Appellants,

v.

**Labor & Industry Review Commission
and Laurie J. Murray,**

Defendants-Respondents.

APPEAL from an order of the circuit court for Milwaukee County: JOHN E. McCORMICK, Judge. *Affirmed.*

Before Fine, Schudson and Curley, JJ.

PER CURIAM. The La Crosse Visiting Nurse Association and its insurer, Virginia Surety Company, appeal from an order of the circuit court affirming a decision by the Labor and Industry Review Commission, which awarded workers compensation benefits to Laurie J. Murray for injuries sustained in an automobile

accident that it found had occurred during the course of her employment with La Crosse. La Crosse claims that Murray is not entitled to workers compensation benefits because she was working outside the course of her employment at the time of the accident. La Crosse also claims that several material findings of fact are not supported by substantial and credible evidence. The order of the circuit court confirming the decision of the Commission is affirmed.

Murray was employed part-time for La Crosse as a nurses aide. She was also employed at a nursing home. While she was working at the nursing home, she received a message regarding a work assignment from La Crosse. In order to keep in contact with La Crosse while she was at her nursing home job, Murray developed a system where a La Crosse supervisor would telephone Christine Henderson, an acquaintance of Murray's who also worked for La Crosse, who would then contact Murray or leave a message for her at the nursing home regarding her La Crosse assignment.

On the day of the accident, Henderson told Murray that she should report to La Crosse to discuss a schedule change. In response, Murray traveled from the nursing home to La Crosse where she received her work assignment, a job at St. Michael's Hospital. On the way to St. Michael's, she was struck by an oncoming vehicle that crossed the center line. The administrative law judge concluded that Murray's accident and injuries resulted from her employment with La Crosse and determined that La Crosse and its insurer were liable for her medical expenses and temporary total disability.

La Crosse petitioned for a review of the administrative law judge's decision by the Commission. The Commission affirmed the administrative law judge's decision. La Crosse then commenced this proceeding for judicial review of the

Commission's decision. The trial court affirmed the Commission's decision. La Crosse now appeals.

We have reviewed the briefs of the parties and considered the merits of the appeal at conference. Having done so, we conclude that the trial court's memorandum decision and order dated March 15, 1996, includes a proper review of the evidence, applies the proper legal standards to the relevant facts, and reaches a correct decision. We therefore adopt that decision as the decision of this court and affirm on that basis.¹ *See* 133 Wis.2d 1, 19-20 (1986) (Internal Operating Procedures of Court of Appeals allow it to adopt the trial court's decision where appropriate).

By the Court.—Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

¹ A copy of the decision and order is attached as an exhibit to this decision.

AN EXHIBIT HAS BEEN ATTACHED TO THIS OPINION. THE EXHIBIT
CAN BE OBTAINED UNDER SEPARATE COVER BY CONTACTING THE
WISCONSIN COURT OF APPEALS.

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Marilyn L. Graves, Clerk
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