

Commonwealth of Kentucky  
Workers' Compensation Board

OPINION ENTERED: June 17, 2016

CLAIM NO. 201478061

CARING PEOPLE SERVICES, LLC

PETITIONER

VS.

APPEAL FROM HON. GRANT S. ROARK,  
ADMINISTRATIVE LAW JUDGE

MARY GRAY  
HON. GRANT S. ROARK,  
ADMINISTRATIVE LAW JUDGE

RESPONDENTS

OPINION  
AFFIRMING

\* \* \* \* \*

BEFORE: ALVEY, Chairman, STIVERS and RECHTER, Members.

**ALVEY, Chairman.** Caring People Services, LLC ("CPS")  
appeals from the Opinion, Order and Award rendered January  
19, 2016, by Hon. Grant S. Roark, Administrative Law Judge  
("ALJ"), awarding Mary L. Gray ("Gray") permanent total  
disability ("PTD") benefits and medical benefits for  
injuries she sustained in a work-related motor vehicle

accident ("MVA") on May 28, 2014. CPS also appeals from the February 26, 2016 Opinion on Petition for Reconsideration.

On appeal, CPS argues the ALJ erred in finding Olsten-Kimberly Quality Care v. Parr, 965 S.W.2d 155 (Ky. 1998) applicable in this case. It argues it is not liable for Gray's injuries pursuant to the the "going and coming" rule because the MVA occurred while she was traveling from her home to work at a fixed location approximately eight miles away from her residence. Because the ALJ engaged in an appropriate analysis and substantial evidence supports his determination the traveling employee exception to the "going or coming" rule is applicable to the case *sub judice*, we affirm.

Gray filed a Form 101 alleging she sustained multiple injuries on May 28, 2014 in a work-related MVA. In the Form 104, Gray alleged she began working as an assistant/sitter to the elderly and disabled for CPS in 2011. In support of the Form 101, Gray attached the May 28, 2014 Mercy Regional EMS record and the May 28, 2014 operative report which reflects Dr. Burton Stodghill performed an open reduction and internal fixation of the right grade II bimalleolar ankle fracture. CPS filed a Form 111 denying the claim.

Gray testified by deposition on December 10, 2014 and at the hearing held November 2015. At the time of the hearing, Gray was sixty-four years old. At her deposition, Gray testified she began working for CPS in 2011, but at the hearing she testified the start date was actually May 2013. Regardless of the employment start date, Gray stated at the time of the MVA she was working as a sitter for CPS. This job involved light housekeeping, assisting clients in dressing and showering, preparing client meals, and ensuring clients took medications on time. Gray explained she used her personal vehicle to travel to the client residences to provide care.

On May 28, 2014, Gray was traveling from her home in Paducah, Kentucky to a client's residence located in Ledbetter, Kentucky when the vehicle she was driving was involved in a MVA. At the time, Gray testified she was taking her normal and direct route to the client's residence located approximately 8.7 miles away from her home. As a result of the accident, Gray sustained multiple injuries, the most serious of which was to her right leg and ankle. Gray testified she has not returned to work since the accident, and continues to experience symptoms in her right ankle and leg. Gray does not believe she can

return to any of her previous jobs, including her position at CPS.

When Gray began working for CPS, she primarily worked with two clients. One client was located in Ledbetter, and the other was located in Benton, Kentucky. She was told by her supervisor, Carolyn Roberts ("Roberts") she would receive mileage reimbursement for her travel to service clients in both Ledbetter and Benton. Gray testified she was initially paid a mileage reimbursement. However, sometime prior to the accident, CPS unilaterally stopped providing the mileage reimbursement for her travels to and from Ledbetter even though all aspects of her job remained the same. Although Gray could not recall the time period, she testified she was told by the scheduler she "was no longer receiving travel." The scheduler indicated a meeting had occurred in which it was decided "they didn't do it anymore." Gray continued working at the Ledbetter site despite the change in policy for travel reimbursement.

At the time of the accident, Gray testified she only worked with the client in Ledbetter because the client in Benton had recently passed away. Gray does not recall how long it had been since she had been to Benton, Kentucky. Gray was on her way to work with the Ledbetter client when the MVA occurred.

Roberts, the co-owner and president of CPS, submitted an affidavit dated September 22, 2014 and also testified by deposition on December 10, 2014. In the affidavit, Roberts stated CPS offers home care for clients and attempts to place a limited number of employees with each client. Roberts explained when Gray was originally hired as a caregiver for the Ledbetter client, there was an understanding she would be required to commute for her job and was initially offered mileage reimbursement as an incentive to accept the client. After a short leave of absence, Gray was only paid mileage reimbursement when going to Benton or other locations which were a considerable distance from Paducah, but not her primary assignment in Ledbetter. Roberts stated at the time of the MVA, Gray was working with only the client in Ledbetter.

At her deposition, Roberts testified CPS provides non-medical personal care services to clients wherever they reside, whether it is in their own homes or at nursing facilities or hospitals. CPS is located in Paducah, Kentucky, and currently employs 95 staff members, only three of which work in the office excluding her and the co-owner. The office staff works at the CPS facility in Paducah every day, and are not offered mileage reimbursement. CPS provides three levels of care services

to clients: sitter, homemaker, and personal helper. CPS pays its employee an hourly rate depending on which level they are qualified to perform. Gray was qualified to perform all three, and was a personal helper. Sometimes employees ran errands for clients. CPS prefers the employee use the client's vehicle to run errands, but if they do use their own personal vehicle, CPS reimburses their mileage.

Roberts testified employees are offered client assignments which can be accepted or rejected. When Gray first started, she accepted two primary clients, one in Ledbetter and one in Benton. Early in her employment, Gray also had numerous other clients, but they were more of a short-term or fill-in basis. Roberts agreed during her employment, Gray worked for clients in "Ledbetter, Gilbertsville, Benton, Gilbertsville, Benton, again Paducah, Paducah again, Hickory, Paducah again, and Murray." Roberts indicated during her tenure, Gray had a brief leave of absence where she was unable to accept clients. At the time of the MVA, Gray's only assignment was in Ledbetter.

Several documents from Gray's employee file were introduced as exhibits at the deposition which reflect she began working for CPS in April or May 2013. The pay

records beginning in May 2013, consisting of Gray's weekly pay stubs, were also submitted. Gray was paid mileage reimbursement every week from her date of hire through mid-February 2014, approximately one month prior to the MVA. Roberts acknowledged, at some point CPS stopped paying Gray to drive to Ledbetter. Roberts explained prior to Gray's short leave of absence, she accepted a client in Benton, and was getting mileage reimbursement from Benton to Ledbetter. After the Benton client passed away and after Gray returned from her brief leave of absence, CPS stopped offering travel reimbursement to the Ledbetter client since her hours increased per visit. CPS stopped the mileage reimbursement not because the location had changed, but "because her reimbursement for that period of time increased . . . . Initially it was a shorter shift, and so we often do a reimbursement as an incentive for people who are working a shorter shift." Roberts does not recall if the decision to discontinue the mileage reimbursement was discussed with Gray.

Roberts agreed reliable transportation is a job requirement. Likewise, Roberts stated Gray's job was to travel to a client's home to provide care. Roberts stated CPS's mission is to offer care in a client's home, and in order for the business to operate, its' employees are

required to travel to the client's location. If CPS employees did not drive to the clients, there would be no business and no jobs. The clients do not come to the CPS facility. Similarly, Gray and other employees providing care services do not have to report to the business office before traveling to a client's home:

Q: Okay. Would you agree that the consistency of having an individual, single individual employee, work with one client is a benefit to the client?

A: Absolutely.

Q: Okay. Would you agree that anything that is beneficial to the client ultimately is beneficial to your business since you are providing that service?

A: I think that's any business. If your customers are happy, then it's beneficial to your business.

Q: Okay. Would you agree that your employees travel to the location wherever their client is located to perform their services?

A: That is where the services are provided.

Q: And if a person, an employee is seeing one client one day in Benton and one day, the next day in Murray, and the next day, that each day they may have to travel to a different worksite?

A: Only if they accept the assignment. It isn't required. They're offered assignments and they accept the assignments.

Q: Yes. But all of your assignments are not located in a single city or location?

A. No, they're not.

Q: They're spread out across western Kentucky.

A: Right. And each one is offered to the person individually. It's up to them if they feel like they want to drive to that location or not. They have options.

Q: I appreciate that. Regardless of which jobs they accept or assignments . . . that particular assignment still requires them to have to travel to that particular location or the next day that assignment might be a different location and the next day. So it's not a fixed location every day, correct?

A: It is not a fixed location, but it is no different than anyone else driving to work.

In the January 19, 2016 opinion, the ALJ provided the following analysis in ultimately finding Gray's injury occurred within the course and scope of her employment.

As a threshold issue, the employer disputes that the automobile accident in which plaintiff was injured occurred during the course and scope of her employment. There is no dispute that plaintiff was working as an in-home nonmedical caregiver and that for some time she had been providing care for only one company client who lived in Ledbetter, Kentucky, approximately 9 miles from her own home. There is also

no dispute her automobile accident occurred on May 28, 2014 while she was returning to her home after her daily duties with that client were completed.

However, the defendant employer maintains plaintiff commuted to and from the same client's house each day and, as such, her travel was no different than that of any employee driving to or from their regular place of business. The employer thus argues plaintiff's claim is not compensable as regular travel to and from one's place of employment is barred by the "going and coming rule." In this regard, the defendant also points out that although plaintiff was at one time paid mileage expenses, at the time of the accident she was no longer receiving mileage pay. The defendant also stresses that plaintiff was not required to travel to different client's homes each day and that her workday consisted of traveling to and from the same client's home each day. The defendant therefore argues plaintiff traveled to and from a fixed location, tantamount to the employer's office, and her commute to and from the same fixed location is not compensable under the Going and Coming rule. The defendant highlights such points to differentiate the case at bar from Olsten-Kimberly Quality Care v. Parr, Ky., 965 S.W.2d 155 (1998). In Parr, the Kentucky Supreme Court held that an in-home nurse who traveled to different patients' homes each day and who was injured while traveling between two such homes suffered a work-related and compensable injury within the course and scope of her employment.

Despite the defendant's attempts to distinguish the facts presented from the holding in Parr, the ALJ is not persuaded. Indeed, the defendant's

"distinctions" do not demonstrate any reason to apply a different analysis to plaintiff's claim in this situation. Although the defendant employer in this case did not have any fixed office to which all employees would report each day and then travel to their assignments, neither were the employees hired to care for only one client at one location during their tenure as employees. Indeed, plaintiff cared for different clients during her employment with the defendant.

In addition, the defendant acknowledged employees, including plaintiff, may even be required to travel and run errands with the client if the client so desired. In a situation such as this, the ALJ is simply not persuaded that a client's home rises to the same level as an employer's fixed office or fixed place of business such that any travel commute to or from the location would be barred by the Going and Coming rule. Indeed, as suggested by Carolyn Roberts, a co-owner of the employer, plaintiff was required to travel to wherever the client was. Given that plaintiff would, and did, care for different clients during the course of her employment, combined with the fact that she may have to travel to wherever such clients required her service, whether that be at their homes or at any other location, it cannot be said plaintiff's travel to or from the client's home equates to commuting to and from the employer's fixed office or regular place of business, which always remains within the control of the employer.

For these reasons, the ALJ is persuaded the holding in Parr is applicable and plaintiff's injury occurred within the

course and scope of her employment,  
rendering it a compensable injury.

The ALJ then relied upon the opinion of Dr. Stodghill and Gray's testimony in finding she is permanently totally disabled, and awarded PTD and medical benefits.

Both parties filed petitions for reconsideration. Both parties requested the ALJ correct his finding she was traveling to her home from work at the time of the MVA. They asserted Gray was traveling to the client's residence from her home at the time of the collision. Gray also requested a correction of a typographical error in the award. CPS requested the opinion be amended to reflect it is entitled to a credit for all amounts of temporary total disability benefits paid. CPS also stated it was an error for the ALJ to find relevant the fact Gray may have been required to run errands with a client since she was not engaged in such activity at the time of the MVA. CPS requested the ALJ more clearly explain his reliance on Parr, and argued the case is distinguishable from the case *sub judice*.

The ALJ made the following additional findings in the February 26, 2016 opinion on petition for reconsideration:

. . . . First, the defendant argues it was error to indicate plaintiff's injury occurred as she was driving after she had left a client's home. The defendant is correct, and this error has already been corrected in the order rendered February 9, 2016 on the plaintiff's Petition for Reconsideration. The defendant suggests this error may have skewed the Administrative Law Judge's analysis of the issue. However, the analysis remains the same. That is, plaintiff was required to travel not to her employer's place of business but, rather, to her employer's clients' home. Regardless of whether plaintiff's injury occurred on the way to or from the client's home, the fact remains plaintiff was not injured while traveling to her employer's fixed place of business. This also is not changed by the fact that the defendant did not have a fixed place of business as plaintiff's travel to and from her employer's clients was a necessary requirement and of necessary benefit to the employer. Indeed, the employer has no service to offer clients if it's[sic] employees, such as plaintiff, do not travel to and from client homes. Clearly, plaintiff's travel to and from the employer's client's home provided an unquestionable benefit to the employer.

The defendant also takes issue with the fact that the Administrative Law Judge noted that, as part of her require[sic] job duties, plaintiff also would occasionally run errands for clients. The defendant maintains this point is irrelevant as plaintiff was not injured in this case while running an errand. However, the point was merely expressed to demonstrate the degree to which travel was a regular, recurrent, and

necessary part of plaintiff's employment.

The defendant also asks for further findings as to whether the Administrative Law Judge determined the holding in Olsten-Kimberly Quality Care v. Parr, Ky., 965 S.W.2d 155 (1998) was applicable to the defendant's business in general or to plaintiff specifically. As to this point, the Administrative Law Judge finds only that the holding in Parr is applicable to the facts presented in this case as to whether plaintiff's injury was barred by going and coming rule.

As no other findings are necessary to decide the merits of plaintiff's case in this regard, no other findings are made.

On appeal, CPS argues the fact Gray may have engaged in occasional errands for clients is irrelevant since she was not performing such activity at the time of the MVA and this does not negate the fact she "still had a morning commute to work." CPS also argues Olsten-Kimberly Quality Care v. Parr, supra, is distinguishable from the case *sub judice*. CPS asserts unlike the claimant in Parr, Gray was driving to work at a fixed location every day approximately eight miles away from her home and was not scheduled to drive to another client's home after completing her assignment in Ledbetter. CPS also points out unlike the claimant in Parr, Gray was not a traveling

nurse and was on her way to work, rather than on her way home from work, at the time of the MVA. CPS also notes Gray was a sitter who was not required to maintain chart notes or care logs for her patients like the claimant in Parr. CPS argues since Gray was traveling from her home to a fixed work site at the time of her accident, the same one she reported to every day, the going and coming rule should apply.

As the claimant in a workers' compensation proceeding, Gray bore the burden of proving each of the essential elements of her cause of action. See KRS 342.0011(1); Snawder v. Stice, 576 S.W.2d 276 (Ky. App. 1979). Because Gray was successful in her burden, the question on appeal is whether substantial evidence existed in the record supporting the ALJ's decision. Wolf Creek Collieries v. Crum, 673 S.W.2d 735 (Ky. App. 1984). "Substantial evidence" is defined as evidence of relevant consequence having the fitness to induce conviction in the minds of reasonable persons. Smyzer v. B. F. Goodrich Chemical Co., 474 S.W.2d 367 (Ky. 1971).

As fact-finder, the ALJ has the sole authority to determine the weight, credibility and substance of the evidence. Square D Co. v. Tipton, 862 S.W.2d 308 (Ky. 1993). Similarly, the ALJ has the sole authority to judge

all reasonable inferences to be drawn from the evidence. Miller v. East Kentucky Beverage/Pepsico, Inc., 951 S.W.2d 329 (Ky. 1997); Jackson v. General Refractories Co., 581 S.W.2d 10 (Ky. 1979). The ALJ may reject any testimony and believe or disbelieve various parts of the evidence, regardless of whether it comes from the same witness or the same adversary party's total proof. Magic Coal Co. v. Fox, 19 S.W.3d 88 (Ky. 2000); Whittaker v. Rowland, 998 S.W.2d 479 (Ky. 1999). Mere evidence contrary to the ALJ's decision is not adequate to require reversal on appeal. Id. In order to reverse the decision of the ALJ, it must be shown there was no substantial evidence of probative value to support his decision. Special Fund v. Francis, 708 S.W.2d 641 (Ky. 1986).

In general, "injuries sustained by workers when they are going to or returning from the place where they regularly perform the duties connected with their employment are not deemed to arise out of and in the course of the employment as the hazards ordinarily encountered in such journeys are not incident to the employer's business." Receveur Construction, Co. v. Rogers, 958 S.W.2d 18, 20 (Ky. 1997). See also Haney v. Butler, 990 S.W.2d 611 (Ky. 1999); Olsten-Kimberly Quality Care v. Parr, supra; Baskin

v. Community Towel Service, 466 S.W.2d 456 (Ky. 1971);  
Kaycee Coal Co. v. Short, 450 S.W.2d 262 (Ky. 1970).

The "going and coming" rule generally applies to travel to and from a fixed-situs or regular place of work where an employee's substantial employment duties begin and end. 82 Am.Jur.2d Workers' Compensation § 270 (2003); Larson's Workmen's Compensation § 13.01[1]. One rationale of the "going and coming" rule is that going to and coming from work is the product of the employee's own decision on where to live, which is a matter ordinarily of no interest to the employer. Collins v. Kelley, No. 2002-CA-002472-MR, 2004 WL 1231633 (Ky. App. 2004).

Several exceptions to the "going and coming" rule have been recognized, one of which is the traveling employee doctrine. That doctrine provides:

When travel is a requirement of employment and is implicit in the understanding between the employee and the employer at the time the employment contract was entered into, then injuries which occur going to or coming from a work place will generally be held to be work-related and compensable, except when a distinct departure or deviation on a personal errand is shown.

William S. Haynes, Kentucky Jurisprudence, Workers' Compensation, § 10-3 (revised 1990). Professor Larson elaborates that "[e]mployees whose work entails

travel away from the employer's premises are held in the majority of jurisdictions to be within the course of their employment continuously during the trip, except when a distinct departure on a personal errand is shown." Larson's Workmen's Compensation, § 25.01.

The traveling employee doctrine is well-established in Kentucky jurisprudence. In Black v. Tichenor, 396 S.W.2d 794, 796-797 (Ky. 1965), the Supreme Court held as follows:

It is quite a different thing to go to and from a work site away from the regular place of employment, than it is to go to and from one's home to one's usual place of employment; it is the latter which generally comes within the so-called 'going and coming rule' absolving employers from Workmen's Compensation liability. The former comes within the principle stated in Larson, Workmen's Compensation Law, Vol. 1, Sec. 25.00: 'Employees whose work entails travel away from the employer's premises are held in the majority of jurisdictions to be within the course of their employment continuously during the trip, except when a distinct departure on a personal errand is shown. Thus, injuries arising out of the necessity of sleeping in hotels or eating in restaurants away from home are usually held compensable.' Turner Day & Woolworth Handle Company v. Pennington, 250 Ky. 433, 63 S.W.2d 490 [(1933)]; Standard Oil Company v. Witt, 283 Ky. 327, 141 S.W.2d 271 [(1940)].

Although traffic perils are ones to which all travelers are exposed, the particular exposure of Tichenor in the case at bar was caused by the requirements of his employment and was implicit in the understanding his employer had with him at the time he was hired. Palmer v. Main, 209 Ky. 226, 272 S.W. 736 [(1925)]; Hinkle v. Allen Codell Company, 298 Ky. 102, 182 S.W.2d 20 [(1944)]. In the recent case of Corken v. Corken Steel Products, Inc. (1964), Ky., 385 S.W.2d 949, where a traveling salesman was killed on a public street by a demented stranger, we approved an award of compensation, and said:

We accept the view that causal connection is sufficient if the exposure results from the employment. Corken's employment was the reason for his presence at what turned out to be a place of danger, and except for his presence there he would not have been killed.

Thus, the traveling employee exception to the "going and coming" rule is grounded in the "positional risk" doctrine, articulated by the Supreme Court in Corken v. Corken Steel Products, Inc., 385 S.W.2d 949 (Ky. 1964).

In the case relied upon by the ALJ, Olsten-Kimberly Quality Care v. Parr, supra, the claimant worked as a certified nursing assistant for an employer which provided home health care services. The claimant received weekly assignments over the telephone, and did not report

to or work from the employer's physical office. The claimant was responsible for providing her own means of transportation to and from the patients' homes. She was compensated for mileage incurred when providing services to non-private patients, but not for mileage incurred when providing services to private patients. The claimant was involved in a MVA while traveling from a patient's residence to her home. She had intended to complete required paperwork when she returned to her home to then mail to her employer. Id. at 156. The Court affirmed the Court of Appeals in finding the claimant's injury was sustained within the course and scope of her employment. After reviewing the "going and coming" rule, and the traveling employee exception, the Court stated as follows:

Herein, the ALJ stated the applicable standard regarding the service to the employer exception to the going and coming rule. However, he made a legal error when conducting his analysis with respect to the facts herein. Specifically, the ALJ narrowly focused on whether claimant was providing a service to the employer by going home to complete the necessary paperwork. However, the evidence of record reflected that the very nature of the employment encompassed claimant's travel to and from patients' homes as "travel" was a part of the services being offered by the employer to its clients.

Said otherwise, although the employer did not provide transportation and claimant was required to find her own mode of conveyance, "travel" was necessitated by, and in furtherance of, the business interests of the employer, and was an essential element required for completion of the essence of claimant's assignments. Therefore, it is clear that claimant was providing a service to the employer at the time of the incident and, hence, that this situation fell within the service to the employer exception to the going and coming rule of noncompensability.

In addition, the employer's allegations that this is merely another "commuter-type" situation is without merit. Typically, a worker is not performing any service for the employer, or furthering the employer's interests, by merely traveling to and from the job site in order to be part of the work force. However, this is not a case where the employer's business did not benefit, and claimant's employment relationship did not begin, until she reached a particular job site. **Rather, driving to and from the patients' homes was a part of her job responsibilities as it was incident to the employer's enterprise. Specifically, as the very character of the employer's services included sending a health care provider to the patients' homes, claimant's travel was occasioned by the very purpose of the employer's business. Therefore, we agree with the Court of Appeals that travel was an integral and necessary part of the employment relationship herein.**

Furthermore, we agree with the Court of Appeals that the evidence regarding where and when claimant was suppose to complete the required paperwork is a

collateral matter and is irrelevant to the question of whether claimant was performing a service for the employer, by traveling to and from the patient's home, on the date in question. Namely, the service to the employer, as discussed above, was not that claimant was allegedly returning home to complete the required paperwork, but that the travel, in and of itself, served the interests of the employer. Therefore, we will give no further attention to this issue as it is not outcome determinative.

Hence, as the evidence compelled the conclusion that a service was being performed for the employer during claimant's travel on the date in question, the vehicular accident was necessarily work-related, and the ALJ erred by applying the going and coming rule of noncompensability and dismissing the action.

Id. at 157-158.

Upon careful review, we find the ALJ conducted the proper analysis set forth in Black v. Tichenor, supra, and Olsten-Kimberly Quality Care v. Parr, supra. Moreover, the testimony of Gray and Roberts provide substantial evidence supporting the ALJ's determination her injuries occurred within the course and scope of her employment and that the traveling employee exception to the "going and coming" rule is applicable to the case *sub judice*.

CPS had a fixed business location and employed three office personnel who reported to work every day in

Paducah, Kentucky. However, Gray was not an office staff employee. She was a sitter/personal helper. Gray was not required to report to the CPS's office. Rather, throughout the tenure of her employment, Gray traveled to the clients' residences to provide non-medical care. In fact, and as noted by the ALJ, Gray cared for different clients during the course of her employment, and traveled to various locations in western Kentucky to wherever such clients required her service, whether that be at their homes or any other location. We decline to narrow the analysis of Gray's travel activity on the day of the MVA as implied in CPS's arguments on appeal. Rather, the appropriate scope is to consider the entire nature of Gray's employment and the character of CPS's services in determining whether the traveling employee exception is applicable. See Kimberly Quality Care v. Parr, 965 S.W.2d at 157-158.

The testimony demonstrates the very nature of the employment encompassed Gray's travel to and from clients' residences since "travel" was a part of the services being offered by the employer to its' clients. Roberts acknowledged Gray was required to have reliable transportation to travel to and from a client's home to provide care. Roberts further agreed the underlying foundation of CPS is offering care in the clients' home.

In order for the business to operate, its employees have to travel to the client's location. Similar to Parr, although CPS did not provide transportation, Gray's travel was necessitated by, and in furtherance of, the business interests of CPS, and was an essential element required for completion of her assignments. Therefore, we agree with the ALJ's determination Gray was providing a service to CPS at the time of the MVA. Similar to Parr, the very character of CPS's service entailed sending a sitter, homemaker, or personal helper to provide non-medical personal care services to clients wherever they reside, and Gray's travel was occasioned by the very purpose of CPS's business. Therefore, The ALJ engaged in an appropriate analysis and substantial evidence supports his determination the traveling employee exception to the going and coming rule is applicable to the case *sub judice*.

Finally, we find the ALJ did not err in noting Gray occasionally completed errands for clients. In the opinion on petition for reconsideration, the ALJ explained he was merely demonstrating the degree to which travel was a regular, recurrent, and necessary part of Gray's employment. It is clear the ALJ understood Gray was not engaged in completing an errand at the time of the MVA, but was rather driving from her home to a client's residence.

Accordingly, the January 19, 2016 Opinion, Order and Award and the February 26, 2016 Opinion on Petition for Reconsideration rendered by Hon. Grant S. Roark, Administrative Law Judge, are hereby **AFFIRMED**.

ALL CONCUR.

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