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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3600-25

JASMINE DELEON,

Petitioner-Respondent,

v.

COUNTRYWIDE HOME CARE, INC.,

Respondent-Appellant.

Submitted November 9, 2026 – Decided November 20, 2026

Before Judges Sabatino and Berdote Byrne.

On appeal from an interlocutory order of the Division of Workers' Compensation, Department of Labor and Workforce Development, Claim Petition No. 2025-14916.

Capehart & Scatchard, PA, attorneys for appellant (Michelle L. Duffield, of counsel and on the briefs).

Garces, Grabler & LeBrocq, PC, attorneys for respondent (Thomas J. Wehner, on the brief).

PER CURIAM

Appellant Countrywide Home Care, Inc. ("Countrywide") appeals from an April 27, 2026 decision of the Division of Workers' Compensation granting respondent Jasmine Deleon benefits under the New Jersey Workers' Compensation Act ("the Act"), N.J.S.A. 34:15-1 to -146. The pivotal issue on appeal concerns the compensation judge's finding that Deleon was within the scope of her employment when she was injured as a passenger in a car accident. For the reasons that follow, we reverse the scope-of-employment ruling and the award of benefits.

The relevant provisions within the Act prescribe as follows. N.J.S.A. 34:15-7 requires that a claimant for benefits must have been injured while engaged "in the course of employment":

> When employer and employee shall by agreement, either express or implied, as hereinafter provided, accept the provisions of this article compensation for personal injuries to, or for the death of, such employee by accident arising out of and in the course of employment shall be made by the employer without regard to the negligence of the employer, according to the schedule contained in sections 34:15-12 and 34:15-13 of this Title in all cases except when the injury or death is intentionally self-inflicted, or when intoxication or the unlawful use of controlled dangerous substances as defined in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c. 266 (C. 24:21-1 et seq.) . . . .
>
> [N.J.S.A. 34:15-7 (emphasis added).]

In addition, N.J.S.A. 34:15-36 defines when "employment" is deemed to take place:

> Employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer; provided, however, when the employee is required by the employer to be away from the employer's place of employment, the employee shall be deemed to be in the course of employment when the employee is engaged in the direct performance of duties assigned or directed by the employer . . . .
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> [N.J.S.A. 34:15-36. (emphasis added).]

Whether a particular accident arose out of, and in the course of, employment raises a two-part question. Acikgoz v. N.J. Tpk. Auth., 398 N.J. Super. 79, 87-88 (App. Div. 2008); Stroka v. United Airlines, 364 N.J. Super. 333, 339 (App. Div. 2003). First, there must be a causal connection between the employment and the accident itself. Acikgoz, 398 N.J. Super. at 87-88; Stroka, 364 N.J. Super. at 339. Second, there must be a time-and-place nexus between the injured worker's employment and the accident. Acikgoz, 398 N.J. Super. at 87-88; Stroka, 364 N.J. Super. at 339.

The leading Supreme Court opinion construing and applying these concepts is Jumpp v. City of Ventnor, 177 N.J. 470 (2003). The Court instructed

that when an employee's duties require work to be conducted off the employer's premises, the off-premises employee must have been performing work responsibilities at the time of the injury in order for it to be compensable. Id. at 473.

The Court recognized in Jumpp that employees may take "minor deviations" from performing their typical work responsibilities and still remain within the course of employment. Id. at 483. This "minor deviation" principle considers "personal habits or errands, such as smoking or making a phone call, to be in the 'course of employment' even though, unlike the indispensable human functions of eating and using the lavatory, employees need not engage in such activities to perform their work duties adequately." Id. at 479.

The "minor deviation" rule applies to employees who work off-premises. Id. at 483. On the other hand, an injury that occurs during a "personal errand" is generally not compensable. Id. at 475.

Deleon's injury in the present case arose out of the following circumstances. Deleon was employed by Countrywide as a home health aide. Her responsibilities included assisting patients with cleaning their homes, cooking, running errands, and attending doctors' appointments. This work took place at patients' homes and various other locations as necessary, not at the

Countrywide office. Deleon does not drive and needed transportation to get to and from those locations.

On June 10, 2025, Deleon was dropped off by a Countrywide driver at a patient's home to begin her workday. While she was there, Deleon realized she had not turned in her timesheet to her employer, which was necessary for her to get paid for that week. She contacted her supervisor and asked if the driver could come back to pick up the timesheet, or, alternatively, if she could transmit a photo of the timesheet through her cell phone. The supervisor rejected those suggestions.

Deleon's patient then offered to drive Deleon in her own vehicle to drop off the timesheet. Deleon texted the supervisor asking for permission to go on such a trip. The supervisor told Deleon no.

Nonetheless, according to Deleon, the patient "insisted." Deleon disregarded the supervisor's direction and got into her patient's car.

With Deleon as a passenger, the patient drove towards the Countrywide office, stopping to get gasoline on the way. While pulling out of the gas station, the patient struck a pole, and Deleon was injured.

Deleon then filed the present claim for workers' compensation benefits. Countrywide argued that Deleon had acted outside of the scope of her

employment and moved to dismiss the claim. A hearing in the compensation court ensued, at which Deleon was the sole testifying witness. She was questioned by counsel for both parties and the judge.

In his decision, the compensation judge concluded that Deleon had been within the scope of her employment "off-premises" when the accident occurred. The judge accordingly denied Countrywide's motion to dismiss and declared Deleon's injury compensable under the Act. The judge factually distinguished the circumstances here from Jumpp, in which the Court ruled that a claimant who deviated from his assigned rounds to pick up his personal mail, and was injured while returning to his car, had not been acting in the scope of his employment. Id. at 483-84.

The judge reasoned that if Deleon had been turning in her timesheet accompanied by a client "on premises," and was injured in the process of doing so, then the injury would be compensable. In addition, the judge noted that the act of turning in a timesheet was connected to Deleon's employment duties. The judge rejected Countrywide's argument that Deleon's conduct in disobeying instructions from her employer was a defense to compensability.

Countrywide now appeals the scope-of-employment ruling. It argues the compensation judge misapplied the principles of the Act and case law in

concluding that Deleon was engaged in off-premises work activity when she was injured in her patient's car accident.[1] Deleon urges that we affirm the ruling.

In assessing these contentions, we apply discrete standards of appellate review that respectively apply to a compensation judge's factual findings and legal conclusions. Factual findings of a compensation judge are generally upheld on appeal, provided that "the findings made could have been reached on sufficient credible evidence present in the record . . . with due regard also to the agency's expertise." Hersh v. Cnty. of Morris, 217 N.J. 236, 242 (2014) (quoting Sager v. O.A. Peterson Constr., Co., 182 N.J. 156, 164 (2004)). By contrast, a compensation judge's "legal findings are not entitled to any deference and, thus, are reviewed de novo." Hersh, 217 N.J. at 243.

We do not take issue with the compensation judge's findings of fact and his adoption of Deleon's testimonial narrative of what occurred on the day of her injury. However, we part company with the judge's legal determination that Deleon was injured in an "accident arising out of and in the course of employment." N.J.S.A. 34:15-7. Applying de novo review, we conclude to the

[1] Countrywide also contends the compensation judge erred in discussing unpublished opinions within his analysis. See R. 1:36-3. We need not consider that argument because the published authorities such as Jumpp are sufficient to adjudicate the appeal.

contrary as a matter of law that Deleon was not engaged in the scope of her employment when she defied her supervisor's direction and embarked on the ride in her patient's car.

The judge emphasized that Deleon had been making the trip to enable her to turn in her timesheet, which was a work-related task. That may be so, but employees also are obligated to carry out their tasks in a manner prescribed by their employers. Although we understand Deleon's worry about turning in a timesheet late and perhaps waiting an additional week to be paid, that worry did not entitle her to contravene the explicit instructions of her supervisor to refrain from the trip. If the law generally deemed expressly prohibited conduct by employees to be compensable, such a principle could easily have untoward consequences.

The uncontested proof is that Deleon was instructed to not go on the trip, but she went nonetheless and unfortunately was injured. The trip was not a "minor deviation" under Jumpp, and, on these facts, not within the authorized scope of employment. See Trotter v. County of Monmouth, 144 N.J. Super. 430, 432 (App. Div. 1976) (ruling that a claim by an employee who disobeyed a foreman's specific instructions to not ride a vehicle and who was then injured was not compensable).

In this case, the employee was not "required by the employer to be away from the employer's place of employment" when the accident occurred. N.J.S.A. 34:15-36. Nor was the employee at that time "engaged in the direct performance of duties assigned or directed by the employer." Ibid.

Consequently, the Division's decision is reversed. The Division may decide in due course whether any terms of recoupment are warranted.[2] We do not retain jurisdiction.

Reversed.

I hereby certify that the foregoing is a true copy of the original on file in my office.

M.C. Harley

Clerk of the Appellate Division

[2] We do not speculate on whether Deleon may have coverage for her injuries under any insurer of her patient's automobile.