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## INSURANCE LAW BULLETIN

### **Re: Court Holds Commutation Exclusion Bars Recovery Under Broad Business Trip Coverage**

The United States District Court for the District of Columbia recently held that an insurer properly denied a claim for Broad Business Trip benefits because the policy unambiguously excluded coverage for "travel to and from work."

After working on Sunday to prepare for a meeting the following day, the insured was killed in an automobile accident while driving home shortly after midnight. The beneficiary filed a claim under an employer-sponsored group insurance policy, claiming the insured, who ordinarily worked normal business hours, Monday through Friday, was on a business trip that began when he left home to go to work and would not have ended until he returned home. The insurer denied the claim, and the beneficiary filed an ERISA action. After discovery, the parties filed cross-motions for summary judgment.

Distinguishing a line of cases in which courts liberally construed policies excluding coverage for "everyday travel to and from work", "day-to-day travel to and from work", and "commutation travel", the Court held that this commutation exclusion was unambiguous and applied regardless of the day, hour, or work habits of the insured.

For further information, or a copy of the opinion, please contact **Derek B. Yarmis**, who represented the insurer in this matter, at 410-659-7762 or [dyarmis@fblaw.com](mailto:dyarmis@fblaw.com).

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Applicability of the legal principles discussed may differ substantially in individual situations.  
The information contained herein should not be construed as individual legal advice.