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LAVERY, C. J., dissenting. I respectfully disagree with the conclusion of the majority that the participation by the plaintiff, David Hardt, in the open gymnasium program (program) arranged by the Watertown volunteer fire department (department) for the exclusive use of its members did not constitute training for volunteer fire duty under General Statutes § 7-314a (a). Accordingly, I would reverse the decision of the workers' compensation review board and remand the matter with direction to reinstate the finding of compensability by the workers' compensation commissioner.

Under § 7-314a (a), active members of volunteer fire departments may seek compensation with the workers' compensation commission only for death, disability or injury incurred while in training for or engaged in volunteer fire duty. It is undisputed that the plaintiff was not engaged in volunteer fire duty at the time of injury. The question, then, is whether the plaintiff was training for his fire duties by participating in the program.

Among the fire duties enumerated in General Statutes § 7-314 (a) are duties performed while at fires and duties performed while answering alarms of fire. The work of a firefighter is extraordinary in its danger and exhausting in its physical demands.¹ As one firefighter observed, "[a]ll of us in this station have been on calls where somebody's been carried out of a burning building on a firefighter's back." (Internal quotation marks omitted.) *Ramos v. Branford*, Superior Court, judicial district of New Haven, Docket No. 407617 (December 17, 1999), *aff'd*, 63 Conn. App. 671, 778 A.2d 972 (2001).

It thus is axiomatic that physical fitness is a prerequisite to adequate performance of fire duties. For that reason, volunteer firefighters in Watertown, like those in other municipalities, are required to pass annual physical examinations. Accordingly, I would conclude that, in certain circumstances, physical fitness programs may constitute training for volunteer fire duty. In my mind, the present case is such an instance.

The record reveals that the program was exclusive to department members. The department organized and regularly promoted the program, and it encouraged participation therein by its members. The chief of the department characterized the program as a "physical fitness program which is also recreational," and the commissioner found that the program was sponsored by the department "to promote physical fitness among [its] members" The commissioner further found that "[t]he major purpose of the program was not recreational." Under these circumstances, I would conclude that participation in this particular physical fitness program constitutes training for volunteer fire duty.

Because the plaintiff sustained his injury while participating in the program, the protections of § 7-314a (a) should apply.

¹ Consider the following example: “On March 5, 1987, the plaintiff, a captain in the Southington fire department, attempted to rescue four people trapped in a burning building. In the course of his search, the plaintiff, after injuring his ribs, exhausted his portable air supply. Then, while crawling along the floor, he rolled over and found himself lying on the body of a dead child. At this point the plaintiff believed that his death was imminent. He managed, however, to make his way out of the building to safety.” *Skrzypiec v. Noonan*, 228 Conn. 1, 4–5, 633 A.2d 716 (1993).
