

SUPREME COURT OF KANSAS

Douglas v. Ad Astra Information Systems, LLC

296 Kan. 552 (2013) · Decided February 8, 2013

SUMMARY

The Kansas Supreme Court reviewed whether an employee's injuries sustained while go-cart racing at an employer-sponsored event were excluded from workers compensation coverage under K.S.A. 2006 Supp. 44-508(f). The court held that the Workers Compensation Board improperly applied factors from a legal treatise instead of the statutory criteria concerning the employee's duty to attend and performance of job-related tasks. The court reversed and remanded for the Board to apply the statutory standard.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Johnson, J.; Moritz, J. (not participating); Peter V. Ruddicic, District Judge (assigned)
JURISDICTION	Kansas
DECIDED	February 8, 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Ad Astra and its insurance carrier sought review of a workers compensation award affirmed by the Kansas Workers Compensation Board and, in a split decision, by the Kansas Court of Appeals.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo, with unlimited review and no deference to the ALJ's or Board's interpretation. Whether an injury arose out of and in the course of employment is generally a question of fact.
PRECEDENTIAL VALUE	precedential
PARTIES	Ad Astra Information Systems, L.L.C., Hartford Insurance Company v. Danny Douglas

TOPICS

workers compensation

statutory interpretation

plain meaning rule

standard of review

appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. What legal standard governs whether an injury at an employer-sponsored recreational or social event is excluded from workers compensation coverage under K.S.A. 2006 Supp. 44-508(f)?
2. Did the Workers Compensation Board err by applying the factors from Larson's Workers' Compensation Law instead of the statutory criteria?
3. Should the Supreme Court itself determine whether Douglas's injury was excluded, or should the matter be remanded for factual findings under the correct statutory standard?
4. Should the doctrine of operative construction be retained in Kansas workers compensation appeals?

HOLDINGS

1. The statutory criteria in K.S.A. 2006 Supp. 44-508(f), rather than judicially created or treatise-based factors, govern whether an injury sustained at a recreational or social event is excluded from workers compensation coverage.
2. The Board erred by using the Larson's factors as the test for determining compensability under K.S.A. 2006 Supp. 44-508(f).
3. The evidence supported a finding that Douglas was required to be in one of two places—at the Sadler's event or at the Ad Astra facility—so a conditional duty to attend the event could not satisfy the statutory requirement of no duty to attend.
4. The case must be remanded to the Workers Compensation Board to apply the statutory criteria and make the necessary factual findings.
5. The doctrine of operative construction is abandoned, abrogated, disallowed, disapproved, overruled, and no longer applicable in Kansas appeals.

KEY QUOTATIONS

“To be crystal clear, we unequivocally declare here that the doctrine of operative construction, as described in Syllabus ¶ 3 and on page 448 of the Court of Appeals’ opinion (Douglas, 42 Kan. App. 2d 441), has been abandoned, abrogated, disallowed, disapproved, ousted, overruled, and permanently relegated to the history books where it will never again affect the outcome of an appeal.” (at 559)

“A legal treatise may be utilized to explain and interpret Kansas law, but it cannot serve to supplant or alter the actual text of a statute.” (at 561)

FACTUAL BACKGROUND

Douglas worked as a computer support analyst for Ad Astra. Ad Astra sponsored an afternoon event at Sadler's that included food and competitive go-cart racing; employees could either attend the event or remain at work, and employees were paid their regular wages while attending. Douglas participated in the team go-cart race, crashed while avoiding another go-cart, and sustained serious injuries resulting in a court-appointed physician finding a 15 percent permanent impairment.

PROCEDURAL HISTORY

An administrative law judge awarded Douglas workers compensation benefits for injuries sustained during an employer-sponsored go-cart event. The Workers Compensation Board affirmed. The Kansas Court of Appeals affirmed in a split decision, and the Kansas Supreme Court granted Ad Astra's petition for review. The Supreme Court reversed and remanded to the Board because the Board applied the wrong legal standard under K.S.A. 2006 Supp. 44-508(f).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Workers Compensation Board to determine compensability using the statutory criteria in K.S.A. 2006 Supp. 44-508(f), including whether Douglas was under no duty to attend and whether his injury resulted from normal job duties or tasks specifically instructed by the employer.

CASES CITED

- Douglas v. Ad Astra Information Systems, 42 Kan. App. 2d 441, 213 P.3d 764 (2009)
- Hizey v. MCI, 39 Kan. App. 2d 609, 181 P.3d 583, rev. denied 286 Kan. 1177 (2008)
- Titterington v. Brooke Insurance, 277 Kan. 888, 896, 89 P.3d 643 (2004)
- Unrah v. Purina Mills, 289 Kan. 1185, 1193, 221 P.3d 1130 (2009)
- Higgins v. Abilene Machine, Inc., 288 Kan. 359, 361, 204 P.3d 1156 (2009)
- Fort Hays St. Univ. v. University Ch., Am. Ass'n of Univ. Profs., 290 Kan. 446, 457, 228 P.3d 403 (2010)
- Padron v. Lopez, 289 Kan. 1089, 1097, 220 P.3d 345 (2009)
- Double M Construction v. Kansas Corporation Commission, 288 Kan. 268, 271-72, 202 P.3d 7 (2009)
- State v. Sheldon, 290 Kan. 523, 526, 231 P.3d 573 (2010)
- Schmidthen Electric, Inc. v. Greathouse, 278 Kan. 810, 822, 104 P.3d 378 (2005)
- State v. Berriozabal, 291 Kan. 568, 591, 243 P.3d 352 (2010)