

## **Roberts, Joanne**

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### **COURSE OF EMPLOYMENT (RCW 51.08.013; RCW 51.08.180(1))**

#### **Dual purpose doctrine**

Although a worker's trip to Hawaii was for the dual purposes of attending business seminars and vacationing, she was not in the course of employment when she was injured two days after the seminars had ended and during the vacation portion of the trip. ...*In re Joanne Roberts*, BIIA Dec., 40,893 (1973)

Scroll down for order.



1 The Harman Corporation had an arrangement with its various franchise holders whereby the  
2 franchise holders would attend yearly management seminars at various places designated by  
3 Harman. The claimant and her husband were notified that the seminars were to be conducted on  
4 the island of Oahu in Hawaii in February 1971. The seminars were conducted by the Harman  
5 Company. The testimony reveals that the claimant and her husband attended seminars at  
6 Honolulu, on the island of Oahu, for three successive mornings, this being on February 11, 12, and  
7 13, 1971. On February 13, 1971, the seminars were concluded, but the Harman Corporation had  
8 made arrangements for its franchise holders to take a tour of the remainder of the Hawaiian  
9 Islands.

10 On February 15, 1971, the claimant and her husband were on a tour of the island of Hawaii  
11 and were quartered at the Kona Hilton Hotel. The claimant testified that while she was walking  
12 down a hallway of the hotel she slipped and injured her left knee on the marble floor. It was the  
13 testimony of the claimant's husband that the injury occurred at least two days after the seminars  
14 had been fully completed in Honolulu. There is no showing whatsoever that the claimant's  
15 presence at the Kona Hilton was either required or necessary, insofar as the sponsoring  
16 corporation was concerned. To the contrary, it was developed that the trip to the island of Hawaii  
17 was part of a pleasure tour which was a deviation from any employment purpose and was devoted  
18 to recreation and not to business purposes; thus, a frolic of the employee not required by the  
19 employer. The claimant testified that she did not receive any salary while she was in Hawaii on the  
20 trip.

21 As noted in the Department's Petition for Review, the trip by the claimant and her husband  
22 had a dual purpose; one was a vacation, and the second was to attend the seminars. The petition  
23 points out that at the time of the injury on February 15, 1971, the claimant was actually on a  
24 pleasure tour on the island of Hawaii. The petition further questions how a trip to the island of  
25 Hawaii and a stop at the Kona Hilton Hotel could inure to the benefit of the sponsoring corporation.

26 RCW 51.08.013 defines the term "acting in the course of employment." The definition of that  
27 term states in part that it means the workman "acting at his employer's direction or in the  
28 furtherance of his employer's business . . ." In our opinion, the claimant's activities on the island of  
29 Hawaii at the time of her injury were a deviation from employment for personal reasons and do not  
30 fall within that portion of the definition quoted above, in that the claimant was clearly on a vacation  
31 trip or frolic of her own, which was not related to her employment activities at the restaurant in  
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1 Bellevue and was not related to the claimant's attendance at seminars on the island of Oahu two  
2 days previously, and she had not returned to the course of employment from her frolic before being  
3 injured. See Gray v. Department of Labor & Industries (1953), 43 Wn. 2d 578. In short, there is no  
4 showing that she was acting to the furtherance of the employer's business.  
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7 We accordingly conclude that the Department's order dated May 10, 1972, is correct and  
8 must be sustained.  
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### 10 **FINDINGS OF FACT**

11 Based on the record before us, this Board finds as follows:  
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- 13 1. In November 1971, the Department of Labor and Industries received  
14 correspondence from the claimant, which was accepted as notification  
15 of the claim, alleging that the claimant had been injured on February 15,  
16 1971. On February 9, 1972, a further letter was received by the  
17 Department of Labor and Industries from Steven A. Memovich,  
18 claimant's counsel, stating that such letter was a notification of her claim  
19 to protect her rights against the running of the statute of limitations. On  
20 February 15, 1972, an accident report was received by the Department  
21 of Labor and Industries, alleging that the claimant had sustained an  
22 industrial injury while in the course of her employment for Harman-  
23 Ballevue Fish & Chips, Inc. On May 10, 1972, the Department issued  
24 an order rejecting the claim on the grounds that at the time of her injury  
25 the claimant was not in the course of her employment. On May 26,  
26 1972, the claimant filed her notice of appeal, and by an order dated  
27 June 2, 1972, this Board granted the appeal.  
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- 29 2. Appellate proceedings were conducted before the Board of Industrial  
30 Insurance Appeals and on February 5, 1973, a hearing examiner for this  
31 Board entered a Proposed Decision and Order in connection with this  
32 appeal. Thereafter, within the period of time provided by law, a Petition  
33 for Review was filed and the case referred to the Board for review as  
34 provided by RCW 51.52.106.
- 35 3. On February 15, 1971, the claimant herein was quartered at the Kona  
36 Hilton Hotel on the island of Hawaii. At that time, she was on a vacation  
37 tour which was undertaken on February 13, 1971, after a series of  
38 seminars had been held and concluded on the island of Oahu, in  
39 Hawaii. While the claimant was so engaged in a vacation tour on  
40 February 15, 1971, she fell in the lobby of her hotel and sustained an  
41 injury to her left knee. At the time of the injury, the claimant was not  
42 acting at her employer's direction or in the furtherance of her employer's  
43 business.  
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