

## PUZZLE SOLUTION – October 2008 *DHRC-I Insider*

**Scenario:** You are a supervisor with an employee in an approved temporary duty (TDY) status attending a work-related business conference in Atlantic City, New Jersey. You receive word that the employee injured herself last night when she fell down two steps while exiting a local restaurant. The time of injury was 6:45pm, and you are aware that the conference officially ended at 5:00pm that day. The employee sought medical care in a local hospital emergency room. She wants to know if her injury will be covered by workers' compensation. What do you tell her?

The best answer is:

- C. She has the right to file a claim. You advise her that her injury will likely be covered because she was injured in an approved TDY status and was engaged in an activity reasonably incidental to the performance of her official duties.**

Under the Federal Employees' Compensation Act, coverage is afforded to a Federal employee in official travel status for 24 hours a day for all activities incidental to the work assignment. Such activities include obtaining meals, using the hotel room, and traveling between the hotel and the work site. They usually do not include recreational or sightseeing trips.

**Bonus Question: What if the injury occurred when the employee was exiting a local casino after a gambling trip?**

Under this scenario, if the employee elected to file an injury claim, the supervisor should controvert (challenge) the claim on the basis that the injury did not occur during the performance of duty. Per the reasoning listed above, a gambling trip would likely be considered by the U.S. Department of Labor to be a personal, recreational trip – a distinct departure from the employee's officially assigned work requirements.