

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

SCOTT J. BEINE, Appellant, ) No. ED96581  
)  
vs. ) Appeal from the Labor and Industrial  
) Relations Commission  
COUNTY OF ST. CHARLES and )  
TREASURER OF MISSOURI AS )  
CUSTODIAN OF SECOND INJURY FUND, )  
Respondents. ) Filed: December 6, 2011

Scott Beine (Claimant) appeals the judgment of the Labor and Industrial Relations Commission (Commission) denying his claim for workers' compensation benefits for injuries he sustained while participating in a charity golf tournament. Claimant asserts the Commission erred in finding that: (1) Claimant's injuries did not arise out of or in the course of employment; (2) Claimant's participation in a "recreational activity" was the prevailing cause of his injuries; and (3) Claimant's participation in the golf tournament provided no benefit to his employer.

AFFIRMED.

Division Four Holds: The Commission did not err in holding that Claimant's injuries did not "arise out of and in the course of employment" because there was sufficient competent evidence in the record to support the finding that Claimant's injuries resulted from "a hazard or risk unrelated to" Claimant's employment and to which he would have been equally exposed on any golf course in his "normal unemployment life." Mo. Rev. Stat. § 287.020.3(2). This court also holds that the Commission did not err in finding that the golf tournament was a "recreational activity" for purposes of Section 287.120.7, which provides for forfeiture of workers' compensation benefits when an employee's participation in a recreational activity is the prevailing cause of his or her injuries. Mo. Rev. Stat. § 287.120.7. Finally, we hold that the Commission's finding that the charity golf tournament provided no benefit to the employer was supported by sufficient competent evidence in the record.

Opinion by: Patricia L. Cohen, P.J.  
Robert M. Clayton III, J., and George W. Draper III, Sp.J., concur.

Attorney for Appellant: D. Andrew Weigley

Attorney for Respondents: Beverly E. Temple (County of St. Charles)  
Barbara Toepke (Treasurer of Missouri as Custodian of Second  
Injury Fund)

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