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Supreme Court, Appellate Division, Third Department, New York  
In the Matter of the Claim of

Bruce A. Matter, Claimant-Respondent

v.

Google Inc. et al., Appellants,

Workers' Compensation Board, Respondent

September 26, 2024

**Facts:** The claimant sustained injuries including a traumatic brain injury when he was struck by two motorized bicycles while crossing the street on his way to the bus stop. The claimant had attended an invitation only event called the "SADA & Google Cloud – Happy Hour" earlier in the evening. The claimant left the event and was finding his way to the bus stop that he usually took home from Google's offices. The case was controverted by the employer and carrier contending that the accident did not arise out of and in the course of employment. The claimant argued the case was compensable under the special errand or dual-purpose doctrine. The case was disallowed by the Workers Compensation Law Judge and the claimant appealed. The Board Panel reversed the decision and established the claim. The carrier then filed an appeal to the Third Department.

**Decision:** *Affirmed.*

**Discussion:** The claimant testified that the happy hour event was placed on everyone's calendar by a manager at Google. Attendance was not only encouraged but required per the claimant as his position regularly involved networking events such as the one in question. Whether or not the claimant made sales and whether or not the claimant put effort into building these relationships were metrics considered in performance evaluations. The employer witness denied that attendance at these events was required but conceded that they were encouraged and that the purpose of the events was to develop and maintain business with partners. Based on this testimony, the Court affirmed the Board Panel's decision that the accident arose in the course employment as the employer gained a benefit from the business development at these events. The court also agreed with the

Board that the claimant's attendance at the event altered the claimant's usual work schedule thereby altering the risks to which he was usually exposed.

*Stewart, Greenblatt, Manning & Báez*