Commonwealth of Kentucky
Workers' Compensation Board

OPINION ENTERED: April 4, 2014

CLAIM NO. 201300296

WENDY HANAWALT PETITIONER

VS. **APPEAL FROM HON. OTTO DANIEL WOLFF, IV, ADMINISTRATIVE LAW JUDGE**

J. THOMAS BROWN AND KAREN BROWN
D/B/A WILD ROSE EQUESTRIAN CENTER;
UNINSURED EMPLOYERS' FUND;
and HON. OTTO DANIEL WOLFF, IV,
ADMINISTRATIVE LAW JUDGE RESPONDENTS

OPINION
AFFIRMING

* * * * * *

BEFORE: ALVEY, Chairman, STIVERS and RECHTER, Members.

ALVEY, Chairman. Wendy Hanawalt ("Hanawalt") seeks review of the opinion and order rendered November 18, 2013 by Hon. Otto Daniel Wolff, IV, Administrative Law Judge ("ALJ") dismissing her claim pursuant to the agricultural exemption contained in KRS 342.650(5). Hanawalt also seeks review of

the December 18, 2013 order overruling her petition for reconsideration. The claim was bifurcated at the July 9, 2013 benefit review conference to determine the applicability of the agricultural exemption.

On appeal, Hanawalt argues the ALJ erred in finding her employer, J. Thomas Brown and Karen Brown, D/B/A Wild Rose Equestrian Center ("the Center"), qualified for the agricultural exemption pursuant to KRS 342.0011(18), KRS 342.630(1) and KRS 342.650(5). Hanawalt likewise argues the ALJ erred in finding she was employed in agriculture and therefore exempt from coverage pursuant to KRS 342.650(5).

Hanawalt filed a Form 101 alleging she injured her head and neck on July 18, 2011, when she fell off a horse and struck a tree while employed as a "barn manager." In the attached Form 104, Hanawalt describes the Center as a horse farm for which she worked as a barn manager from June 2002 through June 2005 and again from June 2006 through June 2012. Because the Center did not have workers' compensation coverage on the date of injury, the Uninsured Employers' Fund was also named as a defendant.

Hanawalt testified by deposition on September 19, 2013 and at the hearing held October 1, 2013. Hanawalt was born on August 15, 1973 and resides in Cecilia, Kentucky. She is skilled in the handling and training of horses,

including thoroughbreds, having worked with them for many years. Hanawalt began working for the Center in 2001. Although she alleged on the Form 101 her job title was “barn manager”, Hanawalt admitted she stated her job title was “horse trainer” on her income tax returns.

Regardless of her job title, Hanawalt was involved in most horse-related activities offered by the Center, including riding lessons, camps and academies, horse boarding, horse training, therapeutic riding, hippotherapy, and special events. Hanawalt testified riding lessons were offered to the general public which was the predominant activity of the Center. Hanawalt instructed riders and assisted in catching, tacking and grooming the horses. The horses were either provided by the Center or brought by an individual seeking lessons. Hanawalt sometimes helped with the camps and academies offered on-site by the Center which taught students how to ride and care for horses. She ensured the horses were ready, occasionally provided instruction, monitored the students in grooming and tacking, and helped catch horses.

The Center also boarded and trained its own horses used for riding lessons, academies and camps, and charged a fee for horses owned by outside individuals. The Center boarded any breed of horse, including thoroughbreds.

Hanawalt cleaned stalls, fed horses, administered medication, supervised others, ensured there was enough hay in the field, monitored horses for sores and other medical problems, trimmed horses' feet and checked the fence line. She also readied horses for shows, therapeutic riding and hippotherapy.

Hanawalt testified she also helped train all types of horses, including thoroughbreds, on site at the Center. Hanawalt indicated she typically rode four to five horses she was training on a daily basis. The time she spent riding and training a horse varied depending on its age and level of training.

Hanawalt stated on a typical day at the Center, she performed certain activities, and then would check with Karen Brown ("Brown"), the owner of the Center, to see what was needed for her to do that particular day. The Center usually had over one hundred horses on the premises. The time it took her to groom, tack and ready a horse varied.

On July 18, 2011, Hanawalt was injured when she fell off a thoroughbred horse she was training for racing, stating as follows:

> Q: And at the time this event happened that was reported that is the basis of this claim, your[sic] coming off the horse and so forth, you were riding a thoroughbred at that time, you had been

> working with it to do the basic things of, I don't know what to call it, you'll have a better term than I would, basic breaking of the horse where nobody had ridden it, getting it used to you or somebody being able to climb on it to ride it some?
>
> A: Yes.
>
> Q: And the folks that owned that horse had brought it there to get that service done, be part of that farm operation, they were standing out in the field with Karen watching and you were having to go around and show how far you all had come along with the horse at that point?
>
> A: Yes.
>
> . . . .
>
> Q: Ma'am, the horse you were training at the time of the injury was a thoroughbred?
>
> A: Yes.
>
> Q: And that was one you had trained?
>
> A: I had trained it.
>
> Q: And that was trained for people that were going to race that horse subsequently, is that your understanding?
>
> A: Yes.

Karen Brown ("Karen") also testified by deposition on June 12, 2013. She and her husband own the Center, which has been in operation for approximately twelve years. The Center and the Browns' residential home sit on a two hundred

acre farm. Approximately fifteen to twenty percent of the farm consists of a wooded area for trails, training, and riding, with the remainder of the land equally divided between pastures and hayfields. The Center predominantly gives riding lessons but also trains horses, teaches students horsemanship and offers various camps. Karen stated the Center trained mostly "court horses, Arabians, Appaloosas, thoroughbreds and warmbloods, three-gaited horses basically." The Center owns a wide variety of horses as well, "everything from miniatures to Belgians," for the activities it offers. The Center also boards horses.

Karen testified she did not carry workers' compensation insurance because she had understood her business was agriculturally exempt from coverage. She considered Hanawalt's work activities at the time she was injured part of her agricultural business. Karen confirmed the local property value assessment office lists the majority of the Center's property value as an agricultural business. Subsequent to Hanawalt's work accident, an investigator from the Kentucky Department of Workers' Claims visited the Center and told her it was exempt from coverage.

Karen testified Hanawalt worked for the Center on and off for seven to eight years, typically Monday through Friday, forty hours per week. Hanawalt was paid hourly and

was issued W-2s. Hanawalt did not have an official job title, but was a horse trainer and took care of all the horses. She also performed daily farming duties such as "feeding, turnout, cleaning water buckets, aisleways, maintenance of fence lines, check fences, checking horses in her care." She also medicated horses, and cleaned the barns and horses. She assisted in camps, teaching students how to ride horses.

Karen witnessed the July 18, 2011 accident, stating Hanawalt fell off a thoroughbred horse while she was demonstrating its progress of movement. Hanawalt had been in charge of training this particular thoroughbred horse. The owners of the thoroughbred horse from which Hanawalt fell consisted of a group of individuals, called the Livingston Group, and it was being trained to eventually race. The thoroughbred horse "was going to the training track after he left us. We don't do any of the racing. We do basic starting."

The Center had previously trained at least four thoroughbreds for the Livingston Group, the majority of which Hanawalt was involved in since she had "quite a bit of experience with thoroughbreds and with the track." Karen testified the Center "started" numerous horses, racing and non-racing, and Hanawalt "has trained many, many, many

horses in her time frame there." Once the Center completed this initial training, the owners continued a horse's training at other facilities of their choosing. Brown reiterated Hanawalt was injured when she fell off a thoroughbred horse she was training.

On cross-examination, Karen agreed at the time of work injury, the majority of the Center's income was derived from riding lessons, academies and camps. The Center derived "very minimal" income from special events, such as birthday parties, weddings, therapeutic riding sessions, and hippotherapy.

Karen stated at the time of Hanawalt's injury, she was training only one thoroughbred horse to eventually race. Karen replied "no" when asked if there were "any other horses besides thoroughbreds that you were training for the racetrack?" The Center also "constantly" trained its own horses used for the riding lessons, academies and camps, as well as other breeds of horses owned by outside clients. However, the majority of training involved "outside horses" since the Center's horses "were predominantly where they needed to be." Karen stated "it was [Hanawalt's] job to train all outside horses. When she did not have outside horses, she would work on the academy horses and the lesson horses."

In the year preceding her injury, Karen stated Hanawalt "did not do a lot with lesson horses," and trained the one thoroughbred horse she was injured on. The majority of Hanawalt's training dealt with horses brought in by outside owners.

> A: When they come in for training, they go straight to Wendy. She works with those horses. That was her venue.
>
> Q: Okay.
>
> A: She would take those horses in. We may have horses with disciplinary issues, nasty horses, bad habits. They kick, they bite. She would work with those horses.
>
> Q: It didn't matter what breed it was?
>
> A: Exactly. It doesn't matter what breed it is. She would work with those horses and modify behavioral issues and educate them into their job description and move them on to where they were socially acceptable for their field of work.
>
> . . . .
>
> Q: And that's my question. Any other breeds - - it doesn't matter if it's a paint, walking horse - - anything other than thoroughbreds - - would consist of the majority that she trained one year prior; is that correct?
>
> A: Most of - - were other breeds, yes.

Based upon the testimony of Hanawalt and Karen, the ALJ determined the Claimant was employed in agriculture

at the time of her work injury, and thus, under KRS 342.650(5) exempt from coverage under the Act by stating as follows:

> At her October 1, 2013 final Hearing, Plaintiff testified Wild Rose was a farm that was totally committed to the horses. Plaintiff's basic work was maintaining and training the horses. She mucked stalls, fetched hay for the horses, broke the horses, groomed the horses, trained the horses, maintained fence lines, and performed other work tasks needed in the daily operation of a horse farm.
>
> Wild Rose offered camps and group lessons for teaching people how to ride a horse. These lessons could be conducted outside or in an on-site covered facility. Her participation in the camp was based upon whether Karen Brown needed her help teaching the students.
>
> Wild Rose also boarded horses. Several of the horses were thoroughbreds, and Plaintiff participated in maintaining and training the boarded horses, including the thoroughbreds.
>
> Plaintiff indicated she worked at Wild Rose because of her knowledge and ability to handle and train horses. Defendant usually had over 100 horses on-site. The majority of Plaintiff's work time was working with the horses rather than interacting with students or owners.
>
> Plaintiff described a typical work-day. Upon arrival, she would go to the barn and make sure it was clean, and, then check to see if there were notes indicating a fence was down. She testified, "I would check in with Karen

to see what she needed me to do that day." During a typical day she did fencing, feeding, trimmed horses' feet, trained, etc.

For her work, Plaintiff was paid by check twice a month. The amount she received was based upon how many hours she worked. In Defendant's discovery deposition and final Hearing, Plaintiff was asked about entries on her income tax returns. On her tax returns she indicated her occupation as "horse trainer."

Karen Brown ("Karen") was deposed on June 12, 2013, and this constituted her only input in this claim. It was her opinion Plaintiff was an employee of Wild Rose. Karen described Wild Rose as a farm with hayfields, pastures, and horse boarding and riding facilities. The crops raised on the farm were used and consumed at Wild Rose.

Karen described Plaintiff's daily work as, "she trained horses in many other activities needed on a farm or daily running of the farm and the duties included as a trainer." The horse from which Plaintiff fell, was being trained and boarded at the farm. The goal of the horse's owner was to prepare the horse for further training as a race horse. Wild Rose did not train horses to race.

Though other witnesses participated in this litigation, and numerous pieces of documentation filed, there is little value to this input regarding the issue at hand. The input of Danny Hutcherson, Hardin County Property Valuation Administrator, the input regarding the interaction between Karen and Mr. Kevin Booker, Enforcement Officer, Kentucky Labor Cabinet, Department of Workers' Claims, offers little, if anything, in

determining whether Plaintiff's work activities of feeding, maintaining horse stalls, and caring for the boarded horses are work activities ordinarily and customarily conducted on farm premises and/or activities generally recognized as constituting an agricultural pursuit. As set forth in Fitzpatrick v. Crestfield Farm, Inc.,582 S.W.2d 44, 47 (Ky. 1978) and Jaime Lopez-Tinoco v. Bush Sod Farms, Claim No. 2009-00835, Board Opinion, August 8, 2011, this is the context of the question whether Plaintiff is exempt from coverage under the Workers' Compensation Act pursuant to KRS 342.650 (5).

In the case sub judice one need not look far to find the answer to this question. In Fitzpatrick, supra, the Supreme Court determined feeding horses, housing horses, and caring for horses are activities ordinarily and customarily conducted on farm premises, and are activities generally recognized as an agricultural pursuit.

Plaintiff testified her work activities at Wild Rose involved working with the boarding of horses, training horses, breaking horses, feeding horses, grooming horses, returning horses to pasture, mucking horse stalls, supplying hay to the horses out in the field, checking and mending fences, trimming the horses' feet, supervising the treatment of the horses' medical problems, etc.

Wild Rose's co-owner and co-operator, Karen Brown testified Plaintiff trained horses, fed the horses, turned-out the horses, cleaned the water buckets and aisleways of the stalls, checked and maintained the fence lines, mucked the stalls, medicated the horses when necessary, trained the horses, and

> performed other work tasks needed in the daily operation of a farm premises.
>
> Based upon Plaintiff's testimony, the testimony of Karen Brown, the statutory law as set forth in KRS 342.650 (5), and Kentucky case law, including Fitzpatrick, supra and Jamie Lopez-Tinoco, supra, it is determined Plaintiff was, at the time of her work injury, employed in agriculture and thus, under KRS 342.650 (5) exempt from the coverage provided under the Kentucky Workers' Compensation Act. Based upon this determination, Plaintiff's claim is dismissed.

Hanawalt filed a petition for reconsideration, asserting the same arguments she now makes on appeal. In an order dated December 18, 2013, the ALJ overruled Hanawalt's petition, stating it impermissibly sought to have the facts reconsidered and re-weighed.

On appeal, Hanawalt argues the Center does not qualify for the agricultural exemption under KRS 342.0011(18), KRS 342.630(1) and KRS 342.650(5). Hanawalt argues the ALJ erred in finding the Center's main operation qualifies as "agriculture" as defined in KRS 342.0011(18). She argues providing riding lessons, training and facilities is not the "raising of livestock for food products and for racing purposes." *See* KRS 342.0011(18). She also argues because the operation of an equestrian center is not included in the definition of agriculture pursuant to KRS 342.0011(18), the Center is not exempt from the Act. She

also points out the majority of the Center's income derived from riding lessons and horse training, activities of which do not amount to a farming pursuit and therefore does not qualify for the agricultural exemption.

Likewise, Hanawalt argues she was not employed in agricultural pursuant to KRS 342.650(5). She first noted the majority of her job entailed the caring for horses which "were used for riding lessons or trained to be race horses." Hanawalt argues since the work she performed was for a non-exempt service, she must be covered under the Act. Therefore, the ALJ erred in finding her exempt from coverage since she provided horse care for services rendered by the Center, and not pursuant to the raising of any livestock for food product or for racing purposes. In fact, at the time of her injury, she was riding a thoroughbred horse being trained at the farm for private clients.

We begin by reviewing the statutory authority concerning the agricultural exemption. KRS 342.630(1) states "any person, other than one engaged solely in agriculture" that has one or more employees are employers mandatorily subject to and required to comply with the Workers' Compensation Act. KRS 342.650 provides classes of employees who are exempt from coverage under the Act and includes "Any person employed in agriculture." KRS

342.650(5). KRS 342.0011(18) defines agriculture as follows:

> ‘Agriculture’ means the operation of farm premises, including the planting, cultivation, producing, growing, harvesting, and preparation for market of agricultural or horticultural commodities thereon, the raising of livestock for food products **and for racing purposes**, and poultry thereon, and any work performed as an incident to or in conjunction with the farm operations, including the sale of produce at on-site markets and the processing of produce for sale at on-site markets.
> (Emphasis added)

Upon review of applicable case law and the statutory authority set forth in KRS Chapter 342, we conclude that in order for the exclusion contained in KRS 342.650(5) to apply, evidence must demonstrate the whole character of the employee/employer’s work is agricultural/ farming in nature. As indicated by the case law set forth herein, simply engaging in incidental services which may be typically farming/agricultural in nature is insufficient to trigger the exclusion contained in KRS 342.650(5) where the incidental farming/agricultural work is essential to and in furtherance of another business purpose.

Admittedly the cases dealing with what constitutes agricultural work are sparse, particularly when looking at horse farms or equestrian centers. In

Fitzpatrick v. Crestfield Farm, Inc., 582 S.W.2d 44 (Ky. App. 1978), the Kentucky Court of Appeals addressed whether the operator of a farm who boarded thoroughbred race horses was excluded from the operation of the Act in view of the definition of agriculture. The evidence established the petitioner operated a farm premises in which tobacco, hay, cattle and thoroughbred yearlings were raised. In addition, thoroughbred brood mares owned by other people were fed, housed and cared for on the farm. Financial reports indicated over a three year period, seventy-three percent of the farm's gross receipts came from the boarding of brood mares owned by others. Id. at 45.

The Court first noted it could not find in its research any Court holding the usual practice of animal husbandry is not included within the general term "agriculture." The Court also noted animal husbandry is defined by Webster's Dictionary as a branch of agricultural concerned with the production and care of domestic animals. Id. at 46. The Court rejected the argument since the boarding of mares is not specifically mentioned in the legislative definition of agriculture, the activity should be excluded, by stating as follows:

> The legislative definition of agricultural is stated in general terms as meaning 'the operation of farm

> premises' and the following enumeration of more specific types of activity to be included within the general term does not have the effect of excluding all that is not mentioned. Particularly this is true when in the same definition the legislature went on specifically to enumerate those activities which were not to be included within the general term. Id.

The Court ultimately held "animal husbandry is an agricultural pursuit and that feeding, housing, and caring for horses is an activity customarily conducted on farm premises and an activity generally recognized as an agricultural pursuit." Id. The Court's holding was not altered by the fact the farm fed, housed and cared for horses belonging to someone else for a fee, perhaps giving the operation a commercial rather than agricultural connotation, stating as follows:

> However, the 'hortel' has not been generally recognized as being a separate and distinct commercial enterprise. While some people may make reference to the race horse 'industry', the definition of agriculture set out in the statute specifically includes the raising of livestock for racing purposes. The 'raising' of race horses obviously includes feeding, housing, and caring for brood mares. It would be an illogical and impermissibly narrow distinction to say that raising race horses is agriculture, but that once they are 'raised', (presumably from foal to racing age) their feeding, housing, and care rendered on farm premises becomes a commercial operation.
>
> Neither can this Court find any logical

> basis for making a distinction based on the ownership of the horses involved. The activity of feeding, housing, and caring for the horses is exactly the same whether the horse is owned by the operator of the farm premises or someone else. The normal routine of farm operation is not changed simply because the farm operator cares for brood mares owned by others in addition to caring for his own brood mares. Id. at 47.

In Michael v. Cobos, 744 S.W.2d 419 (Ky. 1987), the Kentucky Supreme Court held the agriculture exemption includes the conditioning and exercising of racehorses which have been released to the track, but have returned to the farm for rehabilitation from an injury. The claimant was injured when he fell from a horse he was exercising which had been returned to the farm after an injury. He was employed as an exerciser at the farm and was required to ride the thoroughbreds, clean tack room materials, shake stalls and clean the barns. Id. at 420. After quoting the legislative definition of agriculture, which includes the raising of livestock for racing purposes, the Court stated the horses raised on this particular farm were for racing purposes and the claimant was injured falling from one. This conclusion is not altered by the fact the horse from which the claimant fell had already left the farm to race and was back for rehabilitation from an injury. Id. After

citing to Fitzpatrick v. Crestfield Farm, supra, the Court held as follows:

> Thus, the question to be decided is whether the conditioning and exercising of racehorses which have been released to the track, but have returned to the farm for rehabilitation following an injury 'is an activity ordinarily and customarily conducted on farm premises and an activity generally recognized as an agricultural pursuit.' We hold that it is . . . .
>
> Id. (citing Fitzpatrick v. Crestfield Farm, 582 S.W.2d at 46.).

Although not binding case authority, we find the following unpublished case of Steve Crabtree v. John Grider, No. 1991-SC-787-WC (rendered June 4, 1992)(not to be published) provides guidance and is helpful in our analysis. In Crabtree, the claimant was injured while working as a groomer for Hillview Stables, an animal husbandry enterprise involved in the breeding, raising, training, boarding and selling of horses. The claimant injured himself when he fell off a horse. His job consisted of cleaning barns and stalls, grooming horses, and assisting with training. Of the thirty horses kept on the farm, some were owned by the Employer while others were there for boarding/training purposes. The majority of them were primarily show and riding horses. The owner's entire income was derived from the operation of the farm and its activities such as

blacksmith services, show winnings, stud fees, judging fees, and horse sale commissions. The Court of Appeals held the enterprise did not fit within the agricultural exemption since the majority of the horses were not race horses.

In reversing the Court of Appeals, the Kentucky Supreme Court noted although KRS 342.0011(18) specifically mentions the raising of livestock for racing purposes, it does not exclude the raising of livestock for other purposes. The Court found the legislative general definition "Agriculture means the operation of farm premises" to be comprehensive. Id., slip opinion at p. 3. The Court went on to state as follows:

> [W]e believe that restricting the agricultural exemption to horse farms involving only race horses places an impermissible limitation upon the application of the statute. Furthermore, we can discern no rational basis for treating horse farms for racing purposes and show purposes differently.
>
> Id., slip opinion at p. 3-4

After reviewing the reasoning by the Court of Appeals in Fitzpatrick v. Crestfield Farm, supra, the Court went on to state:

> The obvious impact of specifically naming the raising of livestock for racing purposes represents a clear legislative intent that such activity be exempted as agriculture. However, even

> without the specification, we believe the general clause would have included farm premises for the purpose of raising race horses or show horses. Many other jurisdictions exempt farm laborers, and it has been recognized that '[t]he term "agriculture" used in the Kentucky Act supplies a boundary which is broader, in many instances, than that employed by other states and certainly equal to the most liberal . . . . [I]t can be readily seen that the boundary extends further in some cases than in others, and that "agriculture" is the broadest exclusion.'
>
> Id. slip opinion at p. 4-5 (*citing* Robinson v. Lytle, 124 S.W.2d 78, 80 (Ky. 1939)).

With the above statutory language and case law, we can quickly address Hanawalt's argument because the operation of an equestrian center is not specifically included in the definition of agriculture pursuant to KRS 342.0011(18), the Center is not exempt from the Act. This argument was specifically rejected by the Kentucky Court of Appeals in Fitzpatrick, 582 S.W.2d at 46. The Court found the enumeration of more specific types of activities following a general term does not automatically have the effect of excluding all activities which are not mentioned, including the boarding of mares. Id. The same is true in the case *sub judice*. The fact the general operation of an equestrian center is specifically mentioned in the definition as an included activity following the general

term "[a]gricultural means the operation of farm premises," does not have the effect of automatic exclusion. Therefore, the question before the Board is whether the feeding, caring and training of horses at an equestrian center which offers only horse-related services including horse boarding, training, riding lessons, camps, and academies are activities "customarily conducted on farm premises and an activity generally recognized as an agricultural pursuit." Id.

Substantial evidence supports the ALJ's determination in the affirmative, in light of the above referenced statutory and case law, and the largely consistent testimony of Brown and Hanawalt. The Court of Appeals in Fitzpatrick specifically held "animal husbandry is an agricultural pursuit and that feeding, housing, and caring for horses is an activity customarily conducted on farm premises and an activity generally recognized as an agricultural pursuit." Id. Here, the testimony establishes the Center's farming enterprise consisted solely of horse-related activities. The Center maintains and cares for on average over one hundred horses, some of which are owned by the Center. The Center sits on a 200 acre farm, which consists of wooded area trails for training and riding, pastures, hayfields and riding activities. The Center

provides riding lessons but also trains horses, teaches horsemanship, offers various camps and boards horses.

All of Hanawalt's job duties related to the care of the horses. Karen testified Hanawalt trained horses of all breeds both owned by the Center and brought in by others for a fee. She assisted in camps provided to students teaching them how to ride horses. She performed daily farming duties previously enumerated. Likewise, Hanawalt testified she assisted with riding lessons, camps and academies, and set forth her specific work duties.

We conclude, based upon the above testimony and case law, the ALJ did not err in determining the Center was engaged in agriculture, and Hanawalt was, at the time of her work injury, an agricultural employee.

This conclusion is not altered by the fact the Center boarded and trained horses belonging to someone else for a fee. *See* Fitzpatrick v. Crestfield Farm, Inc., 582 S.W.2d at 47. The above-referenced case law demonstrates the comprehensive reach of the language "agriculture means the operation of a farm premises." KRS 342.0011(18). In addition, although the statutory definition specifically mentions the raising of livestock for racing purposes, it does not exclude the raising of livestock for other purposes, such as the operation of an equestrian center.

Here, the activity engaged in by Hanawalt at the time of the injury clearly falls within the purview of KRS 342.650(5). It is undisputed at the time of Hanawalt's injury she was training a thoroughbred horse for racing purposes which clearly falls within the definition of agriculture in KRS 342.0011(18).

Therefore, the November 18, 2013 opinion and order and the December 18, 2013 order overruling Hanawalt's petition for reconsideration by Hon. Otto Daniel Wolff, IV, Administrative Law Judge, are hereby **AFFIRMED.**

ALL CONCUR.

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