A PAINFUL PRECEDENT

For hard-luck jockey, workers' comp ruling is a chief regret

By Janet Patton

A hacker who successfully fought to have workers’ compensation applied to his horse riding job at Churchill Downs has learned that the law isn’t often on his side.

In 1984, Michael Galindo was a backside exercise rider at Churchill Downs. He was injured after the colt he was riding broke down at the starting gate. Galindo, who was a pre-vet major at Murray State, had worked at the track for almost three years when the accident occurred.

In 2000, Paul represented a trainer at Churchill Downs named Mel Munday, who had an injury on the track.

The farm and the track
Kentucky’s workers’ compensation statute specifically exempts “any person engaged in agricultural pursuits” from coverage.

The exemption draws a distinction between farm workers and racing workers — but in reality, the line between them is blurry. Many horse farms and tracks hire people who work less often, and farms that rehabilitate injured horses.

The exemption doesn’t cover every horse farm or racing operation. Some farms go through several turns of being on the “back side” and then hiring people to work there. And farms that rehabilitate injured horses.

The law is also murky as to what constitutes an “agricultural pursuit.” Some farms hire people to work on the farm all year round, while others hire people to work only during the racing season.

In Kentucky, workers’ compensation laws are enforced by administrative law judges, who are appointed by the state’s labor commissioner. The judge rules on the case and makes a determination as to whether the worker is covered by workers’ compensation.

The judge who ruled on Galindo’s case, Judge Stephen O’Brien, ruled that Galindo was an independent contractor and therefore not entitled to workers’ compensation.

The ruling set the stage for some future cases in Kentucky, where the courts have been deciding whether backside workers to be considered “employees” or “independent contractors” as the law requires.

The exemption for horse farms and racing operations is a chief regret for Munday. He said his biggest year was 1980, when he had 448 mounts and won 53 races.

The next day, he said from a nursing home in Illinois, “The law is a tragic thing. We’ve got to figure out a way to do it right.”

Munday takes a year off after his accident in 1984, and he never rode again. He now lives in a Kentucky senior citizen’s housing complex. He has a taste of fast glory.

In 2000, Paul represented a trainer named Mel Munday, who had an injury on the track.

The exemption for horse farms and racing operations is a chief regret for Munday. He said his biggest year was 1980, when he had 448 mounts and won 53 races.

The next day, he said from a nursing home in Illinois, “The law is a tragic thing. We’ve got to figure out a way to do it right.”

Munday takes a year off after his accident in 1984, and he never rode again. He now lives in a Kentucky senior citizen’s housing complex. He has a taste of fast glory.

In 2000, Paul represented a trainer named Mel Munday, who had an injury on the track.

The exemption for horse farms and racing operations is a chief regret for Munday. He said his biggest year was 1980, when he had 448 mounts and won 53 races.

The next day, he said from a nursing home in Illinois, “The law is a tragic thing. We’ve got to figure out a way to do it right.”

Munday takes a year off after his accident in 1984, and he never rode again. He now lives in a Kentucky senior citizen’s housing complex. He has a taste of fast glory.