

Workers' compensation: Post-traumatic stress disorder and mental injuries

This document contains general information. It is not legal advice. Every situation is different and other laws might apply to your situation. If you have questions, contact an attorney, visit the Department of Labor and Industry website at www.dli.mn.gov/WorkComp.asp or call the Workers' Compensation Hotline at 1-800-342-5354 and press 3.

Workers' compensation claims involving psychological/mental problems are divided into three categories: 1) cases in which mental stress produces physical injury; 2) cases in which physical trauma produces mental injury; and 3) cases in which mental stress produces mental injury. Minnesota recognizes workers' compensation claims based upon the first two categories, but denies compensation for claims where mental stress resulted in mental injury,ⁱ with a limited exception for certain post-traumatic stress disorder (PTSD) claims occurring on or after Oct. 1, 2013.

1) *Mental stress that results in physical injury* – Cases in which work-related mental stress or stimulus produces identifiable physical ailments may be compensable workers' compensation injuries. The work-related stress need not be the only cause of the physical injury; it is sufficient for the stress to be a substantial contributing factor.ⁱⁱ A two-step test is necessary to prove causation for a stress-induced injury; the employee must prove elements of both legal and medical causation to prevail with this type of claim.ⁱⁱⁱ Medical causation requires proof the mental stress resulted in the employee's physical condition. Legal causation requires the employee to show the mental stress was extreme or at least "beyond the ordinary day-to-day stress to which all employees are exposed."^{iv} The test of "beyond day-to-day stress" includes situations where stress has accumulated during a long period of time. The mental stress must relate to the nature, conditions and obligations, or incidents of the employment relationship.^v

Also, to be compensable, the physical ailments caused by the mental stress must be susceptible to medical treatment that is separate and independent of treatment of the employee's mental condition. If the physical ailments are "characterized not as independently treatable physical injuries but as physical symptoms or manifestations of employee's anxiety or personality disorder and amenable to treatment only as an inseparable aspect of employee's psychiatric condition," the claim is not compensable.ⁱ

2) *Physical trauma that results in mental injury* – Cases in which work-related physical injury or trauma causes, aggravates, accelerates or precipitates mental injury are compensable.^{vi} It is not necessary that the physical injury be the sole cause of the mental injury; it is sufficient that the work-related physical injury be a substantial contributing factor to producing the mental injury.^{vii} Minnesota courts have not required that a physical injury be of a specific degree or severity when a physical injury results in a mental injury. The employee, to prove a compensable mental injury, must merely show that a physical stimulus/injury caused the resulting mental injury.^{viii} However, there must be a "clear medical opinion connecting the psychological condition to the injury."^{ix}

3) *Mental stress that results in mental injury* – Minnesota law does not allow compensation for cases in which mental stress or stimulus produces only mental injury except for post-traumatic stress disorder for injuries

on or after Oct. 1, 2013. This issue was presented for the first time in the *Lockwood* case.^x In this case, the Minnesota Supreme Court said the Legislature had “probably not” intended such claims to be included under the Workers’ Compensation Act. In the *Schutte* case, the Minnesota Supreme Court affirmed decisions at the trial level and at the Workers’ Compensation Court of Appeals that the employee’s PTSD was not compensable because it “lacked a physical component” and was barred by *Lockwood*.^{xi} The court rejected the employee’s contention that PTSD caused physical and chemical changes in the brain and should, therefore, be compensable under the mental-physical doctrine. However, the injury in *Schutte* occurred before the 2013 amendments to the Workers’ Compensation Act, which includes a provision allowing for the compensability of PTSD claims under certain circumstances for injuries on or after Oct. 1, 2013.

For injuries occurring on or after Oct. 1, 2013, Minnesota Statutes § 176.011, subdivisions 15 and 16, were amended to include PTSD as a compensable workers’ compensation injury if it arises out of and in the course of employment. To be compensable, PTSD must be diagnosed by a licensed psychiatrist or psychologist and must meet the description of PTSD in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. PTSD is not considered a personal injury if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the employer.^{xii}

ⁱ*Johnson v. Paul’s Auto and Truck Sales*, 40 W.C.D. 137, 409 N.W.2d 506 (Minn. 1987). See also, *Ahlberg v. Ramsey County Human Services*, (W.C.C.A. 1993). *Hough v. Drevdahl & Son Co., Inc.*, 281 N.W.2d 690 (1979), *Streed v. Cahill, Gunhus, et al*, 34 W.C.D. 77 (1981), *Herda v Lucht Engineering*, 44 W.C.C.A. 432 (1990).

ⁱⁱ*Aker v. Minnesota*, 32 W.C.D. 50, 282 N.W.2d 533 (Minn. 1979); *Wever v. Farmhand*, 243 N.W.2d 37 (Minn.1976).

ⁱⁱⁱ*Courtney v. City of Orono*, 43 W.C.D. 571, 463 N.W.2d 514 (Minn. 1990).

^{iv}*Egelamd v. City of Minneapolis*, 36 W.C.D. 465, 344 N.W.2d 597 (Minn. 1984).

^v*Solem v. College of St. Scholastica*, slip op. (W.C.C.A. June 27, 2000).

^{vi}*Hartman v. Cold Spring Granite Co.*, 18 W.C.D. 206, 67 N.W.2d. 656 (Minn. 1954).

^{vii}*Miels v. NW Bell Tel. Co.*, 37 W.C.D. 164, 355 N.W.2d 710 (Minn. 1984).

^{viii}*Mitchell v. White Castle Sys. Inc.*, 32 W.C.D. 164, 355 N.W.2d 710 (1984).

^{ix}*Westling v. Untiedt & Vegetable Farm*, slip op. (W.C.C.A. Apr. 29, 2004). See also, *Dotolo v. FMC Corporation*, 375 N.W.2d 25 (1985), *Steinbach v. B.E. & K. Construction Co.*, WCCA (1991), *Nelson v. Hobart Corporation*, WCCA (1992), *Rindahl v. Brighton Wood Farms, Inc.*, 382 N.W.2d 855 (1986), *Dahlman v. Deer River Community Clinic*, 47 W.C.D. 183 (1992), *Castner v. MCI Telecommunications Corp.*, 415 N.W.2d 873 (1988), *Goodwin v. Tek Mechanical*, WCCA 7-29-93, *Kvenvold v. Freeborn County Sheriff’s Dep’t.*, WCCA 9-15-93, *Schmidt v. HealthEast/Bethesda Hospital*, WCCA 5-6-94, *Poppitz v. Minnegasco*, slip op. (W.C.C.A. Nov. 30, 1998), *Underhill v. Minn. Dep’t. of Veterans Affairs*, slip op. (W.C.C.A. May 5, 1997), *Cartagena Quijada v. Heikes Farm, Inc.*, slip op., No. WC10-5222 (W.C.C.A. May 4, 2011), *Polecheck v. State*, slip op., No. WC09-157 (W.C.C.A. Oct. 5, 2009), *Dunn v. U.S. West*, slip op. (W.C.C.A. Mar. 21, 1995), *Harrison v. Special School District No. 1*, (W.C.C.A. 1993).

^x*Lockwood v. Independent School District No. 877*, 34 W.C.D. 305, 312 N.W.2d. 924 (Minn. 1981).

^{xi}*Schuette v. City of Hutchinson*, 843 N.W.2d. 233 (Minn. 2014).

^{xii}Minn. Stat. 176.011, subs. 15 and 16.