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INTRODUCTION
Although the 1972 amendments to the Workers’ Compensation Act provided increased access to workers’ compensation claimants alleging mental injuries, the Commonwealth Court and, more so, the Supreme Court of Pennsylvania have, over the past 32 years, narrowly defined and regulated a claimant’s right to these benefits. This article will examine the changing burdens placed upon claimants by the Courts of the Commonwealth of Pennsylvania, the successful and unsuccessful defenses offered by employers to these claims, and the milestone standards adopted by the Supreme Court which practitioners must be wary of when proceeding with or defending against these claims. As will be set forth below, the determination of compensability is often times highly fact sensitive but, as well, driven and controlled by a highly organized and developed precedent.

THE EARLY YEARS: 1972 TO 1989
Before the 1972 amendments to the Pennsylvania Workers’ Compensation Act, Section 301(c) of the Act (77 Pa.C.S. 411), provided that “the terms ‘injury’ and ‘personal injury’, as used in this Act, shall be construed to mean only violence to the physical structure of the body, and such disease and infection as naturally results there from. . . .” This standard required the occurrence of an accident. Thus, when Hilary Redrick stepped on a nail at work in 1933 and thereafter developed traumatic hysteria which ultimately led to his death after he refused to eat, the Superior Court of Pennsylvania awarded his widow fatal claim benefits as a result of this accident.2 The 1972 amendments to the Act provided that “the terms ‘injury’ and ‘personal injury’ as used in this Act, shall be construed to mean an injury to an employee, regardless of his previous physical condition, arising in the course of his employment and related thereto, and such a disease or infection as naturally results from the injury or is aggravated, reactivated, or accelerated by the injury. . . .”3

The Commonwealth Court recognized that “the most significant change in the language is the deletion of the words ‘violence to the physical structure of the body,’ and we have previously interpreted this deletion as abolish-

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3 Title 77, Section 301(c)
ing the requirement of an accident.” 4 The Commonwealth Court also adopted the proposition that the legislature intended to recognize work-related mental illness as a compensable injury under the Act. 5 In the Perlman case, the Commonwealth Court acknowledged their acceptance of work-related mental injury cases by stating that because of the sophistication of the times, mental injuries should become compensable and that:

“Perhaps in early years, when much less was known about mental and nervous injuries and their relation to ‘physical’ symptoms and behavior, there was an excuse, on grounds of evidentiary difficulties, for ruling out recoveries based on such injuries, both in tort and in workers’ compensation. But the excuse no longer exists. . . . We must hold, therefore, that where as here there is competent and unequivocal medical testimony to support a determination that the employee is disabled by a work-related mental illness, a referee may properly conclude that the employee has suffered a compensable injury within the meaning of the Act.” 6

The Perlman court affirmed the Decision of a Workers’ Compensation Judge who awarded benefits to a claimant whose husband had committed suicide as a result of

“the pressures of his extensive responsibilities and the frustration at his inability to obtain the necessary support and cooperation of the various departments with which he dealt, which ultimately led to his feeling that he was failing in his job and to a fear that he would be discharged and his reputation ruined . . . .”

At this point in the judicial history of the Commonwealth Court there was no burden placed upon a claimant to establish the compensability of a mental claim other than establishing that he or she suffered a mental injury as a direct result of their employment. 8

It was not until 1980 that the Commonwealth Court first restricted the compensability of mental injury claims by requiring objective evidence to support the same. The Commonwealth Court decided that “We cannot hold that evidence of an employee’s subjective reaction to being at work and being exposed to normal working conditions is an injury under the Act.” 9 In Thomas, the claimant was burned in the course of his employment as an ARCO refinery worker in 1970. Five years later in 1975 the claimant was watching a television news broadcast concerning a fire at a Gulf refinery and thereafter suffered anxiety and nervousness. The Commonwealth Court, in denying the claimant benefits, stated that the claimant’s reaction to the non-work-related Gulf refinery fire was not a compensable injury within the meaning of the Act. 10 Throughout the balance of the 1980s, the Commonwealth Court further refined the boundaries in which it would contain mental injuries. In Hirschberg v. WCAB (Comm. Of Penn., Comm. Of Transportation), 11 the Commonwealth Court was faced with a factual situation where a claimant, who had a history of chronic anxiety, alleged that his supervisors mistreated him. The court, in affirming the Workers’ Compensation Judge’s denial of benefits stated that, “An honest, but mistaken, perception of job harassment which aggravates a pre-existing anxiety neurosis which resulted in disability, is not an injury under Section 301(c) of the Act. Claimant’s distorted, subjective reactions to his work cannot alone provide the necessary causal relationship between his employment and his mental disability.” 12 The next year the Commonwealth Court, in Russella v. WCAB (National Foam Systems, Inc.), 13 stated that an employee’s subjective perception of mistreatment would not entitle a claimant to workers’ compensation benefits as a result of a mental injury. Specifically, the court held that the sensitivity of certain people who have low thresholds to pain or mental stimuli would not allow them workers’ compensation benefits simply because they perceive normal work events in an abnormal way. The court quoted the claimant’s medical expert as supporting this reasoning “as evidenced by someone dropping something on the floor behind someone. One person will jump sky-high and the other people will just remain calm. It is just the sensitivity level in this particular individual is heightened. It is how he perceived the situation to be.” 14 Citing the Russella Decision in 1988, the Commonwealth Court again denied benefits to a claimant who alleged that she suffered a psychological injury as a result of “work pres-

4 University of Pittsburgh & Pennsylvania Manu-
5 Id.
6 Id. at 1051.
7 Id. at 1049.
8 Id. at 1050.
10 Id. at 786-787.
12 Id. at 85.
14 Id. at 293. (emphasis added)
sures.”15 In concluding that the Workers’ Compensation Judge erred in awarding benefits to the claimant, the Commonwealth Court stated that it was not enough simply for a claimant to prove that an employer had not provided her with adequate personnel, supervision or logistical assistance. The court held that “While petitioner herself testified regarding the pressures she felt when faced with deadlines and mandatory overtime work without additional compensation when it was necessary to locate and correct errors before the end of a business day, there simply is no evidence that these working conditions were unusual. . . .”16

THE SUPREME COURT OF PENNSYLVANIA’S STAND ON MENTAL INJURY CLAIMS, 1990-2000

It was not until approximately twelve years after the 1972 amendments to the Act, that the Supreme Court first spoke of the burdens it would place upon the claimant in a mental injury case. In Martin v. Ketchum17 the Supreme Court acknowledged that the Commonwealth Court had been developing a body of case law defining the burden a claimant would have to overcome to establish a compensable mental injury claim.18 Charles Martin was a professional fundraiser who was faced with increasingly mounting job pressures in the nature of personal conflicts with his superiors and a change in his work assignments. As a result of job dissatisfaction, Mr. Martin committed suicide by self-inflicted gunshot.19 In affirming the Commonwealth Court’s denial of benefits to Mr. Martin’s widow, the Supreme Court, citing the Commonwealth Court’s holding in Russella, held that:

The Claimant must produce objective evidence which is corroborative of his subjective description of the working conditions alleged to have caused the psychiatric injury. Because psychiatric injuries are by nature subjective, we believe that if a Claimant has met his burden of proving the existence of a psychiatric injury, he cannot rely solely upon his own account of the working environment to sustain his burden of proving that the injury was not caused by a subjective reaction to normal working conditions. A Claimant’s burden of proof to recover workers’ compensation benefits for a psychiatric injury is therefore two-fold; he must prove by objective evidence that he has suffered a psychiatric injury and he must prove that such injury is other than a subjective reaction to normal working conditions.20

The Supreme Court also noted that it would not find a mental injury compensable simply because work created or aggravated an employee’s perception of his working conditions. The Court stated that this would reduce the workers’ compensation benefits to nothing more than a disability or death benefit payable only because of employee status, not because he had objectively suffered an injury caused by his employment.21 The Supreme Court indicated that the Claimant’s failure to meet his own self-imposed expectations and his own perceptions of success, caused him to commit suicide. Noteworthy is the Court’s quote that “what caused his death was not his employment; Martin carried the impulse of his own destruction with him always. What happened to Charles Martin is a lesson about the vulnerability of strong-willed, successful individuals. It is tragic. It is not compensable.”22 Interestingly, the Supreme Court also indicated in the Martin case that the acceptance of the Commonwealth Court’s analysis pertaining to abnormal working conditions was not to be construed as an approval of some of the prior holdings of the Commonwealth Court concerning mental injury cases.23 This statement by the Supreme Court obviously was made to address and reconcile some of the previous decisions of the Commonwealth Court, and, in particular, the Commonwealth Court’s Decision in Perlman whose facts basically mirror the facts in the Martin case. Thus, it can be said, without much hesitation, that should the facts in the Perlman case been in front of the Supreme Court of Pennsylvania in 1990, the Commonwealth Court’s Decision awarding benefits would have been reversed. In 1994, the Supreme Court recognized a classification of mental injury claims which was previously adopted by the Commonwealth Court. Specifically, in Volternao v. WCAB (Traveler’s Ins. Co.)24 the Court, citing Crawchuk v. Phila. Elec. Company25 indicated

16 Id. at 1345.
18 Id. at 163.
19 Id. at 161.
20 Id. at 164, 165, citing Russella at 497 A.2d 292.
21 Id. at 165.
22 Id.
23 Id. at 165.
that “The influence of this psychological or mental element can be broke down into three discreet areas: (1) psychological stimulus causing physical injury (the mental/physical association) . . . (2) physical stimulus causing physic injury (the physical/mental association); and (3) psychological stimulus causing physic injury (the mental/mental association). . . .”

26 Four years later the Supreme Court further defined these categories of mental injuries in Ryan v. WCAB (Community Health Services). 27 There, the Supreme Court stated that examples of mental/physical injuries which are compensable include psychological distress at work causing a heart attack (angina); physical/mental injuries such as a head injury caused by a mental element; and mental/mental injuries such as stress associated with harassment from a supervisor. 28 During this period of time, the Supreme Court focused its attention upon the classification of the mental/mental injury and what would be required of a claimant to prove the same. In Hershey Chocolate, 29 the claimant had been employed as a sales representative. Her responsibilities changed over the course of several years from a sales district in Western Pennsylvania to a sales district encompassing two states and increasing her sales volume by an additional $11 million. The claimant complained that as a result of increased job responsibilities, she developed stomach pains and could not stop crying. She filed a Claim Petition alleging that she suffered from severe emotional disorder due to excessive job pressure and excessive workload. 30 In reversing the Workers’ Compensation Judge’s award of benefits, the Supreme Court indicated that “even if a Claimant adequately identifies actual (not merely perceived or imagined) employment events which have precipitated psychiatric injury, the Claimant must still prove the events to be abnormal before he can recover.” 31 The Supreme Court noted that “here, Claimant has not distinguished her work duties from her fellow employees’ (work duties).” 32 The Court then stated that it would require, as proof of a mental/mental injury, that a claimant prove “either a specific extraordinary event, or abnormal working conditions of a longer duration.” 33 Although the claimant had proven a specific incident which supported his claim of suffering a mental/mental injury, the Supreme Court in the Philadelphia Newspaper 34 indicated that a single incident of criticism of a claimant by their supervisor, even where vulgarity was involved, was not enough to be considered an abnormal working condition. The Court indicated that “in assessing whether work conditions are abnormal, we must recognize that the work environment is a microcosm of society. It is not a shelter from rude behavior, obscene language, incivility, or stress.” 35 In Philadelphia Newspapers, the claimant, a delivery driver, dropped a bundle of newspapers out of the back of his truck. His supervisors happened to watch this incident and started to curse at him calling him a “mother f…” and a “f…… idiot shop steward.” As a result of the same, the claimant became a “nervous wreck” and was “dizzy” and was eventually involuntarily committed to a psychiatric center. 36 In distinguishing the facts of Philadelphia Newspapers from the Commonwealth Court’s previous 1991 Decision in Archer, 37 the Supreme Court indicated that in Archer, the claimant was repeatedly harassed over a period of approximately nine months. 38 Specifically, in Archer, the claimant, in the presence of other co-workers, was harangued by her supervisor who shouted at her and told her to resume work when, in fact, the Ms. Archer had no work to perform. She was thereafter suspended. Three months later, the same supervisor followed the claimant around the work area and watched her every move. She was again accused, without basis, of not working and suspended. The supervisor called plant security and had the claimant escorted out of the workplace. Several months later, she

26 Volternao at 457, 458.
30 Id. at 1260.
was again harassed by the same supervisor who again accused her of not working even though she had completed all of her assigned tasks. The Workers’ Compensation Judge found that Ms. Archer was being singled-out for mistreatment.\(^{39}\) The Commonwealth Court in \textit{Archer} specifically stated that a claimant would not have to present corroborative evidence to support allegations of abnormal working conditions.\(^{40}\) In reaching this conclusion, the Commonwealth Court noted that questions of credibility are solely the providence of the Workers’ Compensation Judge as the finder of fact. That being the case, the Judge could have chosen to believe one claimant versus one hundred defense witnesses and, if the Judge’s Decision was supported by substantial evidence, there could be no review of the same.\(^{41}\) As well, the Commonwealth Court noted that if the claimant was required to present corroborative evidence in each and every mental/mental injury case, this would allow “an employer to mistreat its employees with impunity as long as such conduct was done in private.”\(^{42}\) In distinguishing the facts in the \textit{Archer} case from the Commonwealth Court’s previous holding in \textit{Russella}\(^{43}\) the Commonwealth Court indicated that as opposed to the facts in \textit{Russella} where Claimant merely “felt” she was being harassed, the Claimant in \textit{Archer} described actual events, that is, that her supervisors accused her of not working when in fact she was working and that she was singled-out by her supervisors, in the presence of others, for unsubstantiated reprimands when others had not been so reprimanded.\(^{44}\)

The Supreme Court also addressed the compensability of a mental/mental injury claims caused by reassignment of work duties, termination from employment and demotion in \\textit{Wilson v. WCAB (Aluminum Co. of America)}\(^{45}\) in which it indicated that “. . . it is well established that the fear of losing ones job and actual job loss are normal working conditions . . . (and an) employee’s perception that a temporary job is demeaning is not the basis for awarding workers’ compensation.” \(^{46}\) The \textit{Wilson Court} also set forth the still ascribed to proposition that mental injury cases are highly fact sensitive and for the same to be considered abnormal, the context of each specific employment must be considered.\(^{47}\) As well, \textit{Wilson} confirmed that a two-prong test would be used to determine whether a claimant was subjected to abnormal working conditions, that is, (1) the claimant must present objective evidence that he has suffered a mental injury; and (2) the claimant must prove that his reaction to the same is something other than a subjective reaction to normal working conditions.\(^{48}\) More responsibility, more workload, increased hours, are not enough to establish an abnormal working condition.\(^{49}\) In conclusion, the \textit{Wilson Court} held that

Abandoning the distinction between normal and abnormal working conditions, as the Appellant urges us to do, would eliminate the element of causation. It would destroy the fundamental principal underlying the scheme of the Workmen’s Compensation Act—that, in order to be compensable, an injury must be work related, . . . (Appellant’s theory) would reduce workmen’s compensation to nothing more than a disability or death benefit payable only because of the employee status of the claimant—and not because the injury was caused by his employment.\(^{50}\)

**SPECIFIC GUIDELINES IN ASSESSING THE COMPENSABILITY OF CERTAIN MENTAL INJURY CLAIMS**

**Police Officer Claims**

One of the first cases that the Commonwealth Court decided subsequent to the Supreme Court’s Decision in the \textit{Martin} case, was \textit{City of Scranton v. WCAB (Hart)}\(^{51}\) In that case, a City of Scranton police detective died as a result of a self-inflicted gunshot wound subsequent to being diagnosed with depression which the Commonwealth Court labeled as being caused by abnormal working conditions. Specifically, the Claimant came under extreme pressure to solve numerous murders committed by a serial killer in the Scranton area.\(^{52}\) Although the Commonwealth Court acknowledged that many types of jobs are, by their very nature, high stress, the court reasoned that because Detective Hart had to perform his own paperwork, had a heavier workload than other detectives, and because he was constantly asked by family members of persons who had been killed by the serial killer if

\(^{39}\) \textit{Archer} at 902, 903.

\(^{40}\) \textit{Id.} at 906.


\(^{42}\) \textit{Archer} at 906.

\(^{43}\) \textit{Infra}.

\(^{44}\) \textit{Archer} at 907.


\(^{46}\) \textit{Id.} at 345-346.

\(^{47}\) \textit{Id.} at 343.

\(^{48}\) \textit{Id.} at 344.

\(^{49}\) \textit{Hershey Chocolate} at 1261-1264.

\(^{50}\) \textit{Wilson} at 340.


\(^{52}\) \textit{Id.} at 854.
there had been any progress in the case, the court agreed with the Worker’s Compensation Judge’s findings that the claimant experienced abnormal working conditions. Should the Hart case, however, have been decided today, it is doubtful that the Commonwealth Court or Supreme Court would have provided benefits to the claimant based upon subsequent case law which severely restricts the classification of an abnormal working condition for a police officer. Four years after Hart, the Commonwealth Court in Parson v. WCAB (Springettsbury Twp.) denied workers’ compensation benefits to a police officer who was involved in an incident with a barricaded gunman which lasted eight hours, during which time two other police officers were injured and the claimant assumed responsibility for the situation. Here, the Commonwealth Court indicated that “. . . the incident which forms the basis of this claim is not outside the realm of a normal experience for a police officer, and it is the sort of incident for which a police officer is trained.”55 In moving further away from Hart, the Commonwealth Court held in Clowes v. WCAB (City of Pittsburgh) that a police officer did not present evidence of a substantial increase in his job duties when he was transferred from the Vice Division to the Homicide Division where he was required to view a large number of dead bodies. However, in Borough of Beaver v. WCAB (Rose) the claimant, a police lieutenant, became the target of an investigation initiated by his supervisor, and was thereafter suspended without pay and fired. After several civil service commission hearings, it was concluded that all of the charges brought against the claimant by his Chief were false and unfounded and without basis. When the claimant returned to work, his Chief did not present evidence of a substantial increase in his job duties, but that does not make it abnormal. Indeed, the very frequency of the incidents speaks against their abnormality”.64 Aside from the fact that life and death situations are a normal part of their job, the general proposition followed by the Courts in regard to police officer mental injury cases is similar in most respects to the burdens placed upon claimants in other professions. Specifically, a claimant may be successful if he can prove one of the following abnormal events:

1. He/she was singled out for mistreatment (especially in the presence of others)65;
2. He/she was physically touched by a supervisor66;
3. He/she was falsely accused of misconduct (especially if the accusations were made public)67;
4. He/she was suspended or fired unjustly68;
5. Claimant was subjected to an unforeseen work event, so divorced from the usual

53 Id. at 857-859.
55 Id. at 580.
57 Id. at 945, 949.
60 Id. at 862,863.
61 City of Phila. v. Civil Service Comm’n (Ryder), 565 A.2d 265, 772 A.2d 962 (2001)
63 Id. at 1190.
64 See footnote 57.
66 See footnote 57.
67 Id.
scope of employment, as to be clearly abnormal. 69

Where, however, any of these events can be anticipated as part of the normal course of a claimant’s employment, benefits are less likely to be awarded.

**Personal Animosity Defense**

The Commonwealth Court has denied benefits to claimants alleging a mental/mental injury where the court found that, although the claimant was subjected to abnormal conditions at work, the claimant’s claim was non-compensable because of the personal animosity defense. In *Heath*, 70 the claimant was employed as a parole agent. Ms. Heath’s supervisor invited her to attend personal functions with him which she declined. The supervisor repeatedly telephoned the claimant and discussed personal issues and problems, would stare at the claimant, ask her for her home address and telephone number, and thereafter, when the claimant rebuked these overtures, the claimant’s supervisor began to burden her with increased, different, and additional working assignments which eventually caused Ms. Heath to suffer a mental breakdown. 71 In denying benefits, the Commonwealth Court stated that the claimant

“...does not claim that (her supervisor’s) actions were directed against her because of her performance or lack of performance as an employee or otherwise because of her position as a parole agent. Her allegations are limited to sexual harassment that resulted in a mental injury. It is well settled that injuries that arise from personal conduct at the workplace are not compensable.” 72

The court also concluded that although it may well have been that the claimant was subjected to harassment at work which could have been considered abnormal, the “...sexual harassment that claimant did experience was personal, not work-related, and certainly not part of the proper employer/employee relationship. Thus, any injury that the claimant suffered as a result of this harassment would not be work-related and thus not compensable under the Act.” 73 As such, where the employer can establish that a mental injury is borne out of events which are foreign to the work environment, mental injury benefit will most likely be denied.

**Abolishing the Mental/Physical Claim**

In the year 2000, the Supreme Court further restricted access of Claimants to workers’ compensation benefits where a mental/physical injury was alleged. Prior to that time, the courts had distinguished mental/mental and mental/physical claims. In *Davis v. WCAB (Swarthmore Borough)*, 74 the Supreme Court held that

“It is the nature of the injury asserted, not the presence or absence of physical symptoms that is controlling. Accordingly, we hold that the standard to be applied to claims for workers’ compensation benefits when the Claimant asserts a psychic injury that has manifested itself through psychic and physical symptoms, is the same standard we articulated in *Martin*: Such a Claimant must prove by objective evidence that he has suffered from a psychic injury and that the psychic injury is other than a subjective reaction to normal working conditions.” 75

In *Davis*, claimant alleged increased job duties which led to physical symptoms such as shortness of breath, chest pressure, muscle twitching and aches and pains when reliving various experiences related to his employment. The court held that the claimant was required to present proof of abnormal working conditions regardless of the fact that he suffered these physical ailments. 76 As a result of this determination, claimant’s who suffer purely physical symptoms after being subjected to mental stress must prove abnormal working conditions. This determination clearly further restricts heart attack claims where the claimant was not involved in any type of physical exertion, but, at most, exposed to mental stress which caused angina. Noteworthy is the Courts’ continued affirmation that claimants who suffer mental injuries as a result of physical injuries need not prove an abnormal working condition. 77 Also of interest is the Commonwealth Court’s recent decision in *Zink* 78 in which the court found that an ab-

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69 See footnote 36.
71 Id. at 92, 93.
72 Id. at 96.
73 Id. at 97.
75 Id. at 177.
76 Id. at 170-172.
77 Pittsburgh Board of Education v. Workers’ Compensation Appeal Board (Schulz), ___ Pa. Cmwlth. ___, 840 A.2d 1078 (2004) (Claimant hit on the head with a heavy object and, as a result, developed a mental injury).
normal working condition existed where claimant was forced to work a rotating shift where employer knew that this would aggravate his pre-existing post-traumatic stress disorder. In distinguishing the Supreme Court’s decision in Metropolitan Edison,79 which denied benefits to a claimant alleging shift work mal-adaptation syndrome, the Commonwealth Court found that the abnormal working condition which existed was the employer’s knowledge that the claimant could not work the shift assigned; that said work was aggravating the claimant’s pre-existing condition; and the employer’s refusal to allow the claimant to work the shift that would not aggravate his condition.80

The Relationship Defense

In addition to providing proof of an abnormal working condition, the Supreme Court has also denied benefits to claimants who have failed to establish a connection between their mental disability and abnormal working conditions. In Ryan v. Workers Compensation Appeal Board81 claimant was involved in a motor vehicle accident and suffered a physical injury. She thereafter developed depression, but not as a result of her physical injuries, but because she learned that she was being sued by the driver of the other car involved. Similarly, in Gulick v. Workers Compensation Appeal Board (Pepsi Cola)82 benefits were denied to a claimant who suffered anxiety after a low back injury where claimant’s subsequent mental problem was not borne out of the physical injury to claimant’s back, but was predicated upon the claimant being upset after learning that the employer had filed a termination petition alleging that claimant had fully recovered from his back injury. In P.R. Hoffman v. WCAB (Zeigler),83 although the claimant testified that she was reprimanded for things that other employees were not reprimanded for, was not permitted by her supervisors to talk during working hours, not permitted to use company phones when other employees could do so, and was forced to sit in front of an air conditioning unit,84 she was denied benefits because her mental injury was not related to this abnormal abuse. Specifi-

cally, the claimant’s psychiatrist testified that the claimant’s mental breakdown was not caused by the mistreatment she was subjected to at work, but occurred after she had overheard a conversation between members of management that the employees’ pension fund was insolvent.85 Thus, the medical evidence presented by the claimant was insufficient to support an award of compensation because it failed to establish a causal connection between the abnormal work incidents and the resulting mental condition.86 Noting that they had consistently held in the past that fears over a company’s financial situation do not constitute abnormal working conditions, the court denied benefits to Ms. Hoffman.87

This defense is a potent arrow in the defendant’s quiver if the same can be developed and supported by the facts. Both the physical/mental and the true mental/mental cases can be defeated even in the presence of abnormal working conditions and in the presence of medical testimony establishing a mental illness. What allowed the employers to succeed in these cases was the ability to factually distinguish the inciting events causing the mental injury and the claimant’s work duties. Thus, it is more than simply determining if abnormal working conditions exist or if the claimant was physically injured at work. What must be addressed is whether the work events were the true trigger of the mental injury.

CONCLUSION

Because mental injury cases are so fact sensitive, nearly identical cases may be decided in opposite fashions as a result of only minute differences. An assault of a prison guard in a state correctional institute may be normal, whereas an assault on an office worker may not be normal. Being threatened with a loaded weapon may be normal for a police officer, but it may not be normal for a department store clerk to be confronted with the same. Therefore, it becomes all the more important in these cases to examine the history of workplace environment itself so as to determine what is common place, as well as determining the role, if any, between the alleged abnormal condition and the mental injury. With this factual examination in hand, comparison of the same to the current case law should accurately guide the practitioner to a conclusion determining compensability.

80 Zink at 459-460.
84 Id. at 1185.