

The Ohio Supreme Court Clarifies the Compensability of Psychological Conditions

by Richard L. Johnson and William P. Bingle

The Ohio Supreme Court recently limited the scope of psychological conditions compensable under Ohio's workers' compensation system in *Armstrong v. John R. Jurgensen Co.* In *Armstrong*, the Court held that for a psychological condition to be compensable, the condition must be caused by a compensable physical injury sustained by the claimant.

Armstrong was a dump truck driver who was rear-ended by another vehicle traveling at a high rate of speed. After the collision, Armstrong exited the truck and noticed that the other driver was not moving, and there was blood coming from his nose. Armstrong suspected the other driver was dead and later learned that he, in fact, had died. Armstrong's claim was allowed for neck and back strains, and he subsequently requested the additional allowance of post-traumatic stress disorder (PTSD). The Industrial Commission allowed the claim for PTSD, and the employer appealed the Commission's decision to the common pleas court.

At trial, there was no dispute that Armstrong suffered from PTSD. The issue was what caused the PTSD – the allowed neck and back strains or the accident itself. Armstrong's psychological expert testified that the PTSD resulted from the accident, but that the physical injuries contributed to and were "causal factors" in the development of the PTSD. The employer's psychological expert testified that Armstrong's PTSD was not caused by his physical injuries, but by witnessing the accident, including the death of the other driver, and his mental reaction to it. The trial court found the testimony of the employer's expert to be more persuasive and held that Armstrong's PTSD was not compensable because it did not arise from his physical injuries. The court of appeals affirmed the trial court's decision, and Armstrong then appealed to the Ohio Supreme Court.

Armstrong argued that for a psychological condition to be compensable, it only needed to arise contemporaneously with the allowed physical injuries – there did not need to be a causal relationship between the two. He also argued that the term "injury" "embraces the entire episode or accident giving rise to a claimant's physical injuries." The Ohio Supreme Court disagreed, however, finding the language of Ohio Revised Code 4123.01(C)(1) to be unambiguous. Ohio Revised Code 4123.01(C)(1) provides that psychological conditions are excluded from the definition of injury, "except where the claimant's psychiatric conditions have **arisen from** an injury or occupational disease

Offices

Toledo Office:

One Seagate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699
Phone: 419-241-6000
Fax: 419-247-1777

Columbus Office:

100 East Broad St.
Ste. 2100
Columbus, Ohio 43215
Phone: 614-564-1445
Fax: 614-280-1777

Findlay Office:

510 South Main St.
Findlay, Ohio 45840
Phone: 419-424-5847
Fax: 419-424-9860

Novi Office:

28175 Haggerty Rd.
Novi, Michigan 48377
Phone: 248-994-7757
Fax: 248-994-7758

sustained by that claimant.” The Court determined that the phrase “arisen from” “contemplates a causal connection between the mental condition and the claimant’s compensable physical injury,” not just a temporal relationship. The Court concluded that although Armstrong’s PTSD clearly arose contemporaneously with his compensable physical injuries, he was required to establish that the PTSD was causally related to those physical injuries, and not simply to the accident. By virtue of the testimony of the employer’s psychological expert, the Court determined there was competent, credible evidence supporting the trial court’s finding that Armstrong’s physical injuries did not cause his PTSD, and thus the PTSD was not compensable.

The Ohio Supreme Court’s decision in *Armstrong* is an important one for Ohio employers. For too long the Industrial Commission has been allowing claims for psychological conditions which have not actually “arisen from” claimants’ allowed physical injuries. Hopefully, now with the Court’s clarification of the statutory language, far fewer psychological conditions will be allowed in claims – conditions which add significantly to a claim’s compensation and treatment costs. This should be especially true of a condition like PTSD which, by definition, is unlikely to arise from the physical injury itself.

If you have any questions regarding this or any other workers’ compensation issue, please contact [Richard L. Johnson](#) or [William P. Bingle](#).

Disclaimer

The article in this publication has been prepared by Eastman & Smith Ltd. for informational purposes only and should not be considered legal advice. This information is not intended to create, and receipt of it does not constitute, an attorney/client relationship.