

## Worker's Comp: Mental Stress From Traumatic Event Covered.

A female nurse was administering dialysis treatment to a male patient who reached inside the scrub top she was wearing and grabbed her breast.

Just before doing that the patient, a Caucasian, had made racial remarks to the nurse, an African-American.

The nurse broke down emotionally that day after leaving work. She was already scheduled to go on vacation a few days later. When she got back she began seeing to a psychiatrist who diagnosed her with depression and post-traumatic stress disorder from the incident.

She resigned and filed for worker's comp for total permanent disability.

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***Mental stress caused over a period of time by hours, duties, responsibilities and other work-related factors is not covered by worker's compensation.***

***Mental stress from a specific traumatic incident, such as an assault on the job, even if no physical injury occurs, is covered by worker's compensation.***

MISSOURI COURT OF APPEALS  
June 27, 2006

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The Missouri Court of Appeals overruled the worker's compensation judge who had denied her claim based on the general principle that worker's comp does not cover work-related stress.

According to the court, when mental stress can be related to a specific traumatic event on the job, and the claim is backed by competent medical evidence, worker's compensation does apply. ***Jones v. Washington University***, \_\_ S.W. 3d \_\_, 2006 WL 1735324 (Mo. App., June 27, 2006).