

# COMPENSATION NEWS

MONTHLY REPORT

## What is a “sudden and extraordinary” event for a psychiatric injury

This is a non published appellate court decision

This is a significant decision from an appellate court, even though it is not certified for publication. It still cites cases that are certified and can be used.

The applicant worked for the employer for only two months. The applicant had an admitted injury to her neck and spine when she fell off a ladder. She was airlifted to a hospital and was admitted for five days.

The applicant subsequently alleged a psychiatric injury, which

was denied.. The case was heard by a Workers’ Compensation Judge (WCJ) who found the applicant had an orthopedic injury, but no psychiatric injury because the applicant had not worked for the employer for six months as required by Labor Code section 3208.3, subdivision (d).

The applicant petitioned for reconsideration on the grounds that she met the exception to 3208.3 (d) that she suffered a “sudden and extraordinary condition” making the psychiatric component compensable. The Workers’ Compensation Appeals Board denied the petition on a split opinion.

The appellate court indicated that 3208.3 established a new and higher threshold for establishing a psychiatric injury. This court indicated that falling from a ladder was a “ sudden” event.

However, it was not an extraordinary condition.

The court looked at other cases. They cited Wal-Mart Stores v WCAB and Matea v. WCAB. They indicated that falling off a ladder was not the type of event that would naturally be expected to cause a psychiatric injury even in a diligent and honest employee.

The applicants normal job duties included climbing a ladder. Therefore, the applicant was engaged in her normal job duties at the time of the industrial injury and this was not an extraordinary event.

=====  
Editor: Harvey Brown  
Firm: Samuelson, Gonzalez,  
Valenzuela and Brown  
Address: 18881 Von  
Karman # 250 Irvine 92612  
Phone: 949 252-1300

In this issue..

Puga v. WCAB