

PTSI and First Responders: Act 121—A New Era in Pa. Workers' Compensation

The passage of Act 121 significantly lowers the threshold of proof for Pennsylvania workers who have suffered mental health injuries due to “abnormal working conditions” on the job.

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For years, Pennsylvania workers who suffered mental health injuries were required to prove that an abnormal working condition caused the disabling, work-related injury. That standard shifted with the passage of Act 121, which was signed into law by Gov. Josh Shapiro on Oct. 29, 2024, and went into effect on Oct. 29, 2025.

Act 121 fundamentally redefines compensability for claims of post-traumatic stress injury (PTSI) alleged by first responders. It eliminates the “abnormal working conditions” requirement and instead requires the claimant to establish that the injury was the result of a qualifying traumatic event sustained in the course and scope of employment. The legislation provides definitions for a “first responder” and a “qualifying traumatic event.”

In order to understand the significance of Act 121, it is important to first look at the preceding case law. The foundation for the “abnormal working condition” requirement dates back to the 1972 amendments to the Pennsylvania Workers' Compensation Act, as discussed in *University of Pittsburgh v. Workmen's Compensation Appeal Board*, 49

Pa. Cmwlth. 347, 405 A.2d 1048 (1979). In that case, a physician grew frustrated with his employer due to feeling that he was understaffed. He developed fears that his career and reputation were at risk. His mental condition deteriorated such that he was placed on administrative leave with full pay.

Sadly, the physician committed suicide five days later. The decedent's widow filed a claim for benefits and the referee found that the death was the result of an injury as defined by the Pennsylvania Workers' Compensation Act. The employer appealed and the Workers' Compensation Appeal Board (WCAB) affirmed. The employer subsequently appealed the WCAB's decision to the Pennsylvania Commonwealth Court. The court affirmed the WCAB's decision, holding that work-related mental illness can qualify as a compensable injury. The court explained that, prior to the 1972 amendments, the terms “injury” and “personal injury” were construed as violence to the structure of the body. The 1972 amendments removed the “violence to the structure of the body” requirement, and instead, required only “injury to an employee, regardless of his previous physical condition,

arising in the course of his employment and related thereto.” The court determined that the deletion of the “violence to the structure of the body” broadened the definition of injury such that work-related mental illnesses were now compensable.

From there, the case law continued to develop. In *Kitchen v. Workers' Compensation Appeal Board (Mesta Machine)*, 73 Pa. Cmwlth. 289, 458 A.2d 631 (1983), the court held that, when alleging a disability in the nature of psychiatric injuries, the occurrence of the injury and its cause must be adequately pinpointed due to the highly subjective nature of such injuries. The following year, in *Hirschberg v. Workmen's Compensation Appeal Board (Department of Transportation)*, 81 Pa. Cmwlth. 579, 474 A.2d 82 (1984), the court held that a claimant's distorted, subjective reactions to work stress could not, on its own, establish the required causal link between employment and mental disability.

In *Martin v. Ketchum*, 523 Pa. 509, 568 A.2d 159 (1990), the Pennsylvania Supreme Court consolidated two cases for argument and addressed the standard to be applied in reviewing claims for mental disability under the Workers' Compensation Act.

The first case involved a widow-claimant who sought compensation benefits after her husband committed suicide. The facts established that, after a series of personnel changes at his company and reassignments, the decedent grew dissatisfied with work and ultimately committed suicide. His widow filed a claim for benefits, which were awarded at the trial level, upheld by the WCAB, and reversed by the Commonwealth Court. On appeal to the Pennsylvania Supreme Court, the claimant argued that the

abnormal working condition requirement should be abolished. The court was not persuaded, however, noting that abandoning the distinction between normal and abnormal working conditions would eliminate the element of causation. The court reasoned that, if the claimant's proposed theory was adopted, the success of a claim for a mental health injury would rely solely on the claimant's subjective perception of workplace stress.

The second case involved a police officer who claimed that work-related stress caused his paranoia. The referee found that the claimant did not meet his burden of proving that his condition was causally related to his employment. The WCAB, the Commonwealth Court, and the Pennsylvania Supreme Court each affirmed that determination. The high court agreed that the referee's findings were supported by substantial, competent evidence, including medical testimony that the claimant's stress stemmed from multiple personal factors such as life experiences, background, and genetic makeup, rather than from any particular or inherent stress of his job.

The court's analysis of the two cases clarified that a claimant must present objective evidence showing that the working conditions were actually abnormal, rather than merely perceived as such. It also reaffirmed that the abnormal working condition standard is an objective, not subjective, inquiry.

More recently, in *Payes v. Workers' Compensation Appeal Board (State Police)*, 621 Pa. 564, 79 A.3d 543 (2013), the Pennsylvania Supreme Court found that a Pennsylvania state trooper who struck and killed a woman while driving his patrol car, did in fact establish abnormal working conditions,

and thus, his work-related mental injury was compensable. In that case, the claimant was driving his patrol car when a woman suddenly jumped in front of his car. The facts established that the trooper got out of his vehicle and administered mouth to mouth resuscitation to the woman while diverting oncoming traffic from hitting himself and the woman. The workers' compensation judge found that, although police officers are routinely tasked with responding to motor vehicle accidents and injured individuals, they are not typically confronted with the unique circumstances present in this case. Accordingly, the court held that the facts of the case supported the workers' compensation judge's finding that the police officer established an abnormal working condition beyond what was expected in his usual duties.

And in a case decided just last month, *Ganley v. Upper Darby Township*, No. 770 C.D. 2024, 2025 WL 2967361 (Pa. Commw. Ct. Oct. 22, 2025), a firefighter sought workers' compensation benefits for PTSD after unsuccessfully performing CPR on two infants within 16 months. Although his claim was denied by the WCJ and affirmed by the WCAB, the Commonwealth Court reversed, holding that the two tragic incidents constituted "abnormal working conditions." The court reasoned that, while the claimant was trained in infant CPR, he could not have anticipated performing it unsuccessfully twice in such a short period. The matter was remanded for calculation of benefits.

Act 121 represents a decisive departure from this jurisprudence, at least for first responders. The act defines a "first responder" to include EMS providers, firefighters, police officers and peace officers. A "qualifying

traumatic event" includes incidents involving the following: serious injury or death of an individual; injury, death, abuse or exploitation of a minor; immediate threats to life of the claimant or another; mass casualties or responses to crime scenes for investigations.

In order for a first responder's claim to qualify, the injury must stem from a defined traumatic event experienced during the course of employment. Unlike most mental injury claims, first responders are no longer required to prove that the event was "abnormal" compared to typical working conditions, a significant departure from the prior law that raised the bar for compensability.

Eligibility for benefits is limited in duration, with compensation available for up to 104 weeks. The diagnosis of PTSI must come from a licensed psychologist or psychiatrist in Pennsylvania. Claims must be filed within three years of diagnosis, and the triggering event must have occurred no more than five years before the law took effect.

Importantly, if a PTSI diagnosis arises after a responder leaves employment, the claim can still be brought against the employer of the claimant at the time of the exposure to the qualifying traumatic event which caused the injury. However, not all stress-related conditions qualify. Injuries tied to disciplinary measures, performance reviews, job transfers or terminations are explicitly excluded from coverage.

Act 121 significantly lowers the threshold for first responders to establish compensable mental health injuries. For employers, it signals a new landscape of potential exposure; for claimants, it broadens the range of mental health injury claims that may now be

considered compensable. As courts begin interpreting the statute, new decisions will inevitably refine the contours of what constitutes a “qualifying traumatic event” and the evidentiary standards for proving such claims.■

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