

PENNSYLVANIA SUPREME COURT VACATES COMMONWEALTH COURT
DECISION FINDING PSYCHIC INJURY SUFFERED BY LIQUOR STORE
CLERK ROBBED AT GUNPOINT NOT COMPENSABLE

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Kochanowicz v. Workers' Comp. Appeal Bd. (Pa Liquor Control Bd.), 2014 Pa. LEXIS 410

In a *per curiam* order from February 2014, the Supreme Court of Pennsylvania vacated a Commonwealth Court decision that found a Post-Traumatic Stress Disorder (PTSD) claim, made by a liquor store clerk robbed at gunpoint, not compensable and remanded it to the Commonwealth Court for reconsideration. The Commonwealth Court had held that the psychic injury claim was not compensable since the injury was the result of normal working conditions, a conclusion the court based on the frequency of such incidents in the area. The Commonwealth Court was also swayed by evidence from the employer that the claimant received considerable training on workplace violence before the robbery occurred.

However, the Pennsylvania Supreme Court felt compelled to have the Commonwealth Court revisit the case in light of the Supreme Court's recent opinion in *Payes v. WCAB (Commonwealth of PA State Police)*; 79 A.3rd 543 (Pa. 2013). In that case, the Supreme Court reversed a Commonwealth Court's decision which held that a psychic injury claim made by a Pennsylvania state trooper after striking a woman in his patrol car to be not compensable.

In the Supreme Court's view, the Commonwealth Court in *Kochanowicz* overlooked the highly fact-sensitive nature of psychic injury claims and erred by not accepting the well-supported facts found by the judge, which established the existence of an extraordinarily unusual and distressing single work event that resulted in the claimant's disabled mental condition. According to the Supreme Court, such an event constituted abnormal working conditions as a matter of law. II



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