

# Can You Receive Workers' Compensation Benefits for PTSD? A Workers' Compensation Lawyer Elaborates

*Jenkintown's Marc Weinberg of Saffren & Weinberg has been handling workers' compensation cases for decades.*

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[/EINPresswire.com/](http://EINPresswire.com/) -- Workers' compensation provides important benefits, like medical care and compensation for missed work and lost wages, for people who suffer from work-related injuries or illnesses.

Workers are not always aware that this coverage expands beyond simple physical injury like a fall at work. Workers' compensation claims can be for a wide variety of traumatic events, injuries, and illnesses, like chemical exposure and work stress-related medical problems.



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*Marc Weinberg, Partner*

One commonly overlooked illness that workers may be entitled to file a workers' compensation claim for is Post-Traumatic Stress Disorder, more commonly referred to by the acronym PTSD. Workers often think that PTSD is not something they can have or that it is not covered because it is not a discrete, single accident or illness.

The following information provides a general overview to clear up some of the misconceptions about workers'

compensation for PTSD:

## Understanding PTSD

The National Institution of Health ("NIH") describes PTSD as a mental health condition or disorder, comprised of a number of different types of symptoms, that some people develop after experiencing a "shocking, scary, or dangerous event." The duration and severity of PTSD vary from person to person as does the triggering event.

The triggering event leading to PTSD does not have to have an immediate negative physical impact on the person. For example, someone might suffer from PTSD after the sudden death of a close family member or after a home invasion even though they were not physically harmed.

There is no single list of symptoms for PTSD and there are many different physical and psychological symptoms that PTSD can cause, ranging from vivid flashbacks to being easily scared to uncharacteristic bursts of anger to vomiting. The many PTSD symptoms are divided into four different categories: re-experiencing symptoms, avoidance symptoms, arousal and reactivity symptoms, and cognitive mood symptoms. A PTSD diagnosis usually requires at least one symptom in each category and continuation of symptoms for at least one month.

## PTSD Affects Everyday Individuals

One common misconception about PTSD is that it only impacts war veterans. The most publically known and severe cases of PTSD have been in relation to war veterans, police officers, first responders and others who engage in daily activities that routinely put them into traumatic events. There is an epidemic of PTSD in this country among veterans, but everyday individuals from construction workers to customer service reps at an insurance company may also suffer from PTSD. It is a mental illness that can be exacerbated by a workplace incident and turn into a long term workplace injury.

It is not uncommon for PTSD symptoms to be overlooked or downplayed because the individual does not think they could suffer from it or that their trauma or psychological injury was bad enough. This is not the case. PTSD is a very serious medical condition that can continue to worsen and negatively impact an individual's health and well-being if untreated. If you think there is a possibility that you are suffering, you should take steps to obtain medical treatment immediately.

## Workplace-Related PTSD

Once PTSD is understood, it is easy to see how workplace events and environments can cause PTSD. There are two different ways that PTSD can arise from work: (1) Something scary, traumatic, or dangerous happens at work leading to PTSD from the event; or (2) Something scary, traumatic, or dangerous occurs outside of work but was triggered by something at work. No matter the exact cause of the PTSD, it must be "work-related" to be covered by workers' compensation and qualify someone for disability benefits. A company's insurance carrier will need medical evidence to verify you are an injured worker entitled to workers' comp benefits.

PTSD arises from a person's natural, but harmful, reaction to an event, not from the harm the event itself causes. Accordingly, both persons harmed in traumatic workplace events and those who are not harmed by the event itself but by their reaction to it may be entitled to workers' compensation benefits from PTSD.

All situations are unique and warrant review by an experienced [work injury lawyer](#), however, the following are a few examples of common types of workers' compensation claims based on PTSD that have succeeded:

Witnessing a Violent Death at Work – PTSD often arises after a person has witnessed a violent death in the workplace. It is common in law enforcement officers who are exposed to violence as a part of their job. Unfortunately, other professions like teachers and administrators sometimes experience violence, in the form of shootings, at work as well and may suffer from PTSD as a result.

Injury in a Traumatic Work Accident – Actual injury resulting from a workplace accident can lead to PTSD in addition to the other physical harm caused by the accident. For example, a worker that suffers from a severed thumb when a piece of machinery malfunctions may continue to suffer from PTSD from the trauma of the event long after they have obtained the maximum medical recovery of their thumb and hand.

Witnessing a Traumatic Work Accident – As noted above, it is not just being injured at work that can lead to PTSD. Persons who observe a serious traumatic accident at work, like a co-worker suffering from a limb dismemberment, may also suffer from PTSD as a result and, if they do, they are entitled to pursue workers' compensation as well.

A Near-Miss that Could Have Resulted in Death or Serious Harm – Even if no one is harmed, a situation that almost results in serious bodily harm or death is a common cause of PTSD symptoms in those present at the event. For example, a shooting that occurs at work where the assailant misses all shots could cause those present to experience PTSD symptoms after the event. Or another example, a portion of a building collapses on a construction site and narrowly misses falling on workers could lead to PTSD in the nearby workers.

Being Trapped – Mine workers, or any other worker that is trapped in a confined space at work, may suffer from PTSD as a result even if no physical harm occurred. This type of confinement is a very traumatizing event for many people.

### PTSD Alone Not Enough for Workers' Compensation

Unfortunately, merely suffering from work-related PTSD is not enough to obtain workers' compensation. The PTSD must be severe enough to impair your ability to fulfill your job duties. If you are suffering from work-related PTSD but still able to function at 100% of your former level at work, you probably will not be able to obtain workers' compensation for your PTSD. However, for your future health and well-being, you should still make sure to be seen by a medical provider to obtain treatment for your PTSD.

### Pursuing a Workplace Related PTSD Claim

As with all workers' compensation claims, when pursuing your PTSD claim, it is important to obtain medical evaluation and diagnosis regarding your PTSD claims, provide your employer with notice of your claims (which can be trickier since PTSD cannot always be tracked to an exact start date), and to complete all required employer and government paperwork.

PTSD workers' compensation claims are some of the more difficult claims to pursue because of the nature of the disorder and the fact that the law on the issue is still evolving and not always clear. For this reason, it is usually prudent to find a work injury lawyer to help ensure you don't lose the opportunity to obtain the benefits you are entitled to.

[Marc Weinberg, Lawyer, of Jenkintown](#) and Ken Saffren, Attorney are named partners at Saffren & Weinberg which is located in Jenkintown, PA. The team works tirelessly to help improve the situations and lives of victims that have been involved in auto accidents and suffered personal injuries. The firm is known as "The People's Voice In Court" and they make themselves available via email on the website or by phone 215-576-0100. They provide a no-charge, complimentary case review and are more than happy to answer any questions that you may have.

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