



THE MARTIN REVIEW

WORKERS' COMPENSATION • SOCIAL SECURITY DISABILITY • LONG-TERM DISABILITY • VETERANS' BENEFITS

HOT TOPIC

Mental Health and Workers' Compensation

When does mental illness qualify for workers compensation?

Under certain circumstances, you can claim workers' compensation disability for job-related psychological stress. However, employers and insurers will vigorously fight these claims, and the standard of proof is very high. The courts require that you prove "abnormal" working conditions.

Job-Related Stress as a Disability Claim

The standard for so-called mental claims is "abnormal working conditions." A verbally abusive boss is not sufficient grounds. But a convenience store clerk who has been robbed at gunpoint might have a viable case for work-induced anxiety.

Claims alleging a "nervous breakdown" from a hostile working environment or traumatic workplace events are hard to win. For example, courts have held that a prison guard pelted by inmates' feces and a police officer who saw his partner fatally shot did not meet the standard because those working conditions were not "abnormal." Usually, some sort of physical injury must be demonstrated, but on occasion, a claim for mental stress can succeed depending on the circumstances.



Mental Stress from the Aftermath of an Injury

There is better success with mental stress claims as a consequence of an accident or job injury. For example, a person suffers a work-related back injury and has surgery to repair the injury. The surgery leaves the person in terrible pain, which leads to depression.

It is important to work with doctors, psychiatrists and psychologists to document chronic pain, headaches or lasting physical effects of the injury, and sleeplessness, panic attacks, suicidal thoughts and other psychological or emotional effects that interrupt one's ability to work.

FREQUENT QUESTIONS



Can I see my own doctor if that is needed for my Workers' Comp. Case?

The short answer is YES. You can see your own doctor for treatment. The PA WC provides that the employer can direct your treatment for the first 90 days from the injury. Thus, they could deny payment if you treat outside the panel of physicians directed by the employer. If they deny the case or after 90 days, you can treat with your own physician. You may want to consult with your attorney, as they should be able to let you know if the doctor will testify on your behalf and/or if they will wait for payment while your case is in litigation.

~ Attorney John O'Donnell

ATTORNEY SPOTLIGHT

Jenna L. King, Esq.

Jenna King is an Associate with Martin Law who practices Pennsylvania workers' compensation law. Prior to joining the firm, Ms. King worked at a regional defense firm representing employers across the state of Pennsylvania in the area of workers' compensation law.

In 2015, Ms. King earned her law degree from Widener University School of Law, where she founded and served as the Inaugural President of the Youth Court League. She earned her bachelor's degree in criminal justice with a legal studies & analysis minor from Widener University in 2011.

Ms. King is an active member in both the Pennsylvania and Philadelphia Bar Associations. She is the Philadelphia Bar Association, Workers' Compensation Section, Diversity & Inclusion Committee Co-Chair (2019-present) and PBA Liaison (2020-present). Ms. King is also the Pennsylvania Bar Association, Workers' Compensation Section, Young Lawyers Division Liaison (2019-2020) and most recently was appointed Treasurer (2021). Ms. King is a member of the Future Leaders Section of the Pennsylvania Association of Justice. Ms. King is a frequent presenter of Continuing Legal Education courses throughout Pennsylvania. [\[READ MORE\]](#)



Certified Legal Specialties

Pennsylvania Workers' Compensation

Education

J.D. Widener University School of Law (Wilmington, DE) Magna Cum Laude

B.A. Widener University (Chester, PA) Magna Cum Laude

Honors and Awards

Super Lawyers Rising Star (2021)

IN THE NEWS! JENNA KING BECOMES TREASURER OF THE PBA WORKERS' COMPENSATION LAW SECTION. Congratulations to Attorney Jenna King on becoming Treasurer of the PBA Workers' Compensation Law Section. This is an impressive accomplishment. Our Martin Law family is proud!