

Louisiana Law Review

Volume 21 | Number 4

June 1961

Workmen's Compensation - Psychosis Resulting From Daily Assembly Line Pressures

Walter M. Hunter Jr.

Repository Citation

Walter M. Hunter Jr., *Workmen's Compensation - Psychosis Resulting From Daily Assembly Line Pressures*, 21 La. L. Rev. (1961)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol21/iss4/24>

This Note is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in Louisiana Law Review by an authorized editor of LSU Law Digital Commons. For more information, please contact kreed25@lsu.edu.

trespass may start a chain of events which may result in strange and unusual injuries. A farmer's cow escaped, entered a neighbor's barn, and fell through the floor into a cistern. Later the neighbor entered the barn and fell through the broken floor and was seriously injured. No recovery was allowed by the court on the ground that the injury was not such as would usually and probably result from the escape and subsequent trespass of defendant's cow.²⁶

It is submitted that on the basis of the above analysis, the court reached an appropriate result in the instant case, although the language used seems to be unduly confusing. The trial court noted that nine days in which plaintiff could use and observe the broken steps had elapsed and held that this broke the effect of the direct invasion. At first blush, nine days seems to be a long time between the termination of the trespass and the resulting direct consequential injury. However, courts have allowed recovery in cases where the resulting injury occurred several weeks after the termination of the trespass.²⁷ Apparently, it was felt that the trial court should not have ruled as a matter of law on this point without the introduction of further testimony. However, if this was the only exit to plaintiff's home, and it was not possible to have the steps repaired, then the knowledge of the danger might not preclude recovery. Since evidence which would enable the court to consider this and other factual situations which might exist did not appear in the record, it seems that the court was not willing to affirm until these possibilities were explored.

Charley J. Schrader, Jr.

WORKMEN'S COMPENSATION — PSYCHOSIS RESULTING FROM DAILY ASSEMBLY LINE PRESSURES

Plaintiff brought suit to recover workmen's compensation for a psychosis resulting from emotional pressures encountered in daily assembly line work. The defendant denied that a mental disorder precipitated solely by usual mental stimulus constituted a compensable disability, due to the lack of any single event causing plaintiff's breakdown. The referee entered an award

26. *Hollenbeck v. Johnson*, 79 Hun. 499, 29 N.Y. Supp. 945 (Sup. Ct. 1894).

27. See note 24 *supra*.

of compensation, which was affirmed by the workmen's compensation appeal board. On certiorari to the Michigan Supreme Court, *held*, affirmed. A disabling psychosis resulting from production line employment is compensable under the Michigan Workmen's Compensation Act. *Carter v. General Motors Corp.*, 361 Mich. 577, 106 N.W.2d 105 (1960).

Workmen's compensation is designed to afford compensation to employees for injuries arising from employment without regard to fault on the part of the employee or employer.¹ It is designated to compensate the employee for injuries which he has in fact received through his employment. The acts of many states, including Louisiana, require an "accident"² and set forth guide lines to determine when an injury is in fact attributable to the employment. The basic and indispensable ingredient of the statutory term "accident" is unexpectedness. Most jurisdictions also require that the injury be traceable, within reasonable limits, to a definite time, place, and occasion or cause.³ In the majority of jurisdictions it is not required that there be an unexpected cause; rather an unexpected *result* from usual or customary exertion will suffice to constitute a compensable accident.⁴ The Louisiana act requires that there be an unexpected or unforeseen event,⁵ and in interpreting the statute the Louisiana courts are in accord with the majority rule that only the result need be unexpected.⁶

1. *Lambert v. Industrial Comm.*, 411 Ill. 593, 104 N.E.2d 783 (1952); *Bourgeois v. J. W. Crawford Constr. Co.*, 213 La. 992, 36 So.2d 13 (1948).

2. LA. R.S. 23:1021(1) (1950). It should be noted at this point that Michigan does not have an accident statute.

3. 1 LARSON, WORKMEN'S COMPENSATION LAW § 37:20 (1952).

4. *Id.* § 38.00. In the case of *J. W. Metz Lumber Co. v. Taylor*, 134 Colo. 249, 302 P.2d 521 (1956), the Colorado court explained the accident-result rule in finding that injuries are designated "accident to distinguish them from intentional injuries and those caused by disease; and that the work itself need not be extraordinary, as an unexpected and unintended result would constitute an accident."

5. LA. R.S. 23:1021(1) (1950).

6. See *Custer v. Higgins Industries, Inc.*, 24 So.2d 511, 513 (La. App. 1946), where it was stated: "The reason why on that day something happened was not because anything in his work went wrong, but simply because within the man himself there had taken place a change." Accord, *Hill v. J. B. Beard Corp.*, 19 So.2d 295 (La. App. 1944); *Elmore v. Avoyelles Wholesale Groc. Co.*, 14 So.2d 684 (La. App. 1943); *Biggs v. Libbey-Owens-Ford Glass Co.*, 170 So.2d 273 (La. App. 1936). However, "in some of the cases it is stated that although the disabling event need not be different in kind or intensity from the regular work of the employee, yet it must appear that the employees' regular work was physically strenuous in character or that he was regularly required to work in excessive heat. The reason for this apparent qualification is obvious: The fact that the event need not be unusual or unexpected does not obviate the fundamental requirement that the claimant must show a causal relationship between his disability and the conditions under which he performed his work." MALONE, LOUISIANA WORKMEN'S

As the definite time requirement is usually not satisfied unless either the cause or result is reasonably limited in time, there is an area of concern when both the cause and result manifest themselves gradually and no definite time may be pinpointed for either. A strict interpretation of the rule would seem to require that recovery be denied due to the inability of the plaintiff to prove a definite time of either the cause or result. However, many courts have indulged in rather fictitious reasoning in an attempt to escape this problem. For example, Michigan has reasoned that there is always a "last single shot" or a "last blast of the hammer" preceding final collapse to which the injury can be attributed.⁷ Other courts have reached the same result by applying the repeated impact theory, whereby each tiny bump,⁸ noise,⁹ or jar¹⁰ is regarded as an accidental occurrence. It appears that in the last single event and repeated impact cases the courts are finding that there is a discernible event sufficiently limited in time so as to satisfy the definite time requirement. Louisiana attempts to satisfy the time limitation by requiring that the accident be sudden or violent.¹¹ But Louisiana also requires violence in the personal injury section of the act.¹² Despite the alternatives of the accident requirement (sudden or violent), and the violence required for a personal injury, the courts have placed the emphasis on the requirement of suddenness and have given little credence to that of violence.¹³ In no reported case has a Louisiana court refused to classify an event as an accident solely for the reason that it was unable to find

COMPENSATION LAW AND PRACTICE § 214 (1951). See also *Leonard v. Consolidated Rock*, 101 So.2d 736 (La. App. 1958); *Lampkin v. Kent Piling Co.*, 34 So.2d 76 (La. App. 1948); *Siscoe v. Cooley*, 9 So.2d 313 (La. App. 1942).

7. *Sheppard v. Michigan National Bank*, 348 Mich. 577, 83 N.W.2d 614 (1957).

8. *Aldrich v. Dole*, 43 Idaho 30, 249 Pac. 87 (1926) (injury from successive impacts on knee of defective shift lever).

9. *Winkelman v. Boeing Airplane Co.*, 166 Kan. 503, 203 P.2d 171 (1949) (loss of hearing due to repeated loud noises of gunfire in target range).

10. *American Maize Products Co. v. Nichiporchik*, 108 Ind. App. 502, 29 N.E.2d 801 (1940) (injury attributed to several years of jarring of hands during use of air hammer).

11. LA. R.S. 23:1021(1) (1950).

12. *Id.* 23:1021(7).

13. See MALONE, *LOUISIANA WORKMEN'S COMPENSATION LAW AND PRACTICE* § 213 (1951). As the Louisiana statute is written in the disjunctive (suddenly or violently), the presence of either of these elements would seem to satisfy the statute. However, Louisiana also requires that there be a personal injury, with a personal injury being defined as including "only injuries by violence to the physical structure of the body." LA. R.S. 23:1021(7) (1950). From combining these two requirements it would appear that in order to obtain compensation violence must always be present, but suddenness need not ever actually be a consideration. Yet, the jurisprudence fails to support this idea. The Louisiana courts have read the accident statute and personal injury statute as one, and have given the weight of importance to the requirement of suddenness.

that it happened violently.¹⁴ The suddenness requirement is deemed satisfied even though the injury developed over a long period of time in cases where a strain¹⁵ or impact¹⁶ has been involved. Otherwise, recovery has been denied by labeling the disability which slowly develops as an occupational disease.¹⁷

The Michigan Compensation Act requires that a personal injury arise out of and in the course of the employment, and does not require an accident.¹⁸ In the instant case the court rejected the argument that there need be a single event before the injury is compensable. It reasoned that it was not necessary to find a direct physical injury nor a single event or shock, but that an injury precipitated solely by a prolonged mental stimulus is compensable — the causal connection being proved.¹⁹ In actuality, it appears the court was rejecting a doctrinaire definite time consideration, even though it spoke in terms of single events.

The question arises whether Louisiana would allow compensation in a situation such as the instant one, since under Louisiana law an injury is not compensable unless it results from an accident. There should be little difficulty with the unexpectedness requirement as Louisiana follows the accident-result rule, requiring that only the result need be unexpected. However, it appears that compensation would probably be denied due to the court's interpretation of the requirements of an accident and a personal injury. The jurisprudence seems well established that

14. See MALONE, *LOUISIANA WORKMEN'S COMPENSATION LAW AND PRACTICE* § 213 (1951).

15. See *York v. E. I. DuPont de Nemours & Co.*, 37 So.2d 68 (La. App. 1948), where the court failed to discuss the fact that the cause of the injury was one of prolonged duration, and therefore did not go into the problems which are usually presented in such a situation.

16. *Stokes v. Miller*, 150 So.2d 509 (La. App. 1957); *Harris v. Southern Carbon Co.*, 162 So. 430 (La. App. 1935).

17. The Louisiana courts usually find that if an injury arises gradually, it is not an accident but an occupational disease. *Cannella v. Gulf Refining Co.*, 154 So. 406, 409 (La. App. 1934). However, in one case of repeated impact, the court applied a new standard to the concept of occupational diseases. In *Harris v. Southern Carbon Co.*, 162 So. 430 (La. App. 1935), an occupational disease was defined as one "which is not only incident to an occupation, but the natural, usual, and ordinary result thereof." In 1952, LA. R.S. 23:1031.1, which authorizes compensation for certain designated occupational diseases was added to the Louisiana Workmen's Compensation Act. However, that section has no effect on the particular injury in the instant situation as it is not one of those enumerated.

18. MICH. STAT. ANN. 17:151 (1960).

19. *Carter v. General Motors Corp.*, 361 Mich. 577, 113, 106 N.W.2d 105, 113 (1960): "The case at bar involves a series of mental stimuli or events [the pressure of his job and the pressure of his foreman] which caused an injury or disability under the act, causal connection in fact having been found by the board, supported by competent evidence."

only in strain and impact cases will the court allow recovery where both the cause and result are of prolonged duration.²⁰

However, it seems that compensation could be allowed in the instant case by applying another interpretation to the Louisiana act. It is submitted that this could be accomplished by the courts' reading the accident (sudden or violent) requirement in the disjunctive, giving the proper emphasis to that of violence, and by applying the "violence as to effect doctrine."²¹

Walter M. Hunter, Jr.

20. See notes 15 and 16 *supra*.

21. In the case of *Johnson v. Zurich General Acc. and Liability Ins. Co.*, 161 So. 667, 668 (La. App. 1935), the court allowed recovery, finding that the plaintiff "suffered a sudden and violent shock to his heart." If this interpretation is followed, it appears that the violence requirement may be satisfied if the injury manifests itself in a violent manner or if the effect upon the body is violent.

Book Notes

LE DROIT FRANÇAIS: VOL. 1, LES DONNÉES FONDAMENTALES DU DROIT FRANÇAIS; VOL. 2, PRINCIPES ET TENDANCES DU DROIT FRANÇAIS, by René David. Paris, Librairie Générale de Droit et de Jurisprudence, 1960. Pp. 214; 597.

These two books constitute volumes 11 and 12 of the Contemporary Legal Systems sponsored and put out by the Comparative Law Institute of the University of Paris. The first is