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Employment Law—Allowing Compensability of Suicide under Minnesota's Workers' Compensation Statute

Julie L. Boehmke

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**EMPLOYMENT LAW—ALLOWING COMPENSABILITY OF
SUICIDE UNDER MINNESOTA’S WORKERS’
COMPENSATION STATUTE**

Middleton v. N.W. Airlines, 600 N.W.2d 707 (Minn. 1999)

Julie L. Boehmke[†]

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[†] J.D. Candidate, 2002 William Mitchell College of Law; B.A. University of Minnesota.

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I. INTRODUCTION

*Middleton v. N.W. Airlines*¹ marked the first time the Minnesota Supreme Court held that suicide caused solely by work-related stress was a compensable workers' compensation injury.² The court reached its landmark decision after granting certiorari review of the Workers' Compensation Court of Appeal's (WCCA) decision to affirm denial of benefits.³ This decision broke from Minnesota's long tradition of denying claims for work-related mental injuries absent a precipitating or resulting physical injury.⁴ At the same time, the *Middleton* holding placed Minnesota more squarely in line with other states that compensate mental injuries without the presence of physical injuries.⁵ In addition, the court's decision was re-

1. 600 N.W.2d 707 (Minn. 1999).

2. *Id.* at 710-11.

3. *Id.* at 707-708. The compensation judge denied the relator's claim on grounds that she had not shown *Middleton*'s job stress was the legal causation of his suicide. *Id.* at 708. Legal causation is found when the stress of employment is shown to be beyond the ordinary day-to-day stress to which all employees are exposed. *Id.* The Workers' Compensation Court of Appeals ("WCCA") affirmed without reaching the issue of legal causation. *Id.* at 709. The WCCA based its decision on *Lockwood v. Indep. Sch. Dist. No. 877*, 312 N.W.2d 924, 926 (Minn. 1981) (finding the claim was properly denied because the suicide was the result of a non-compensable mental injury).

4. *Johnson v. Paul's Auto and Truck Sales*, 409 N.W.2d 506, 508 (Minn. 1987) (holding mental stress noncompensable because employee had no physical ailment susceptible of discrete medical treatment); *Lockwood*, 312 N.W.2d at 927 (holding manic depressive disorder brought on by job stress to be noncompensable absent clear legislative intent to compensate mental disabilities without physical trauma); *Jaakola v. Olympic Steel, Inc.* 56 W.C.D. 238, 240 (Minn. Work. Comp. Ct. App. 1996), *aff'd*, 560 N.W.2d 92 (Minn. 1997) (unpublished opinion) (holding stress noncompensable because employee had not received medical treatment for a physical injury and because the legislature did not intend to make mental injuries compensable); *Larson v. McNamara Contracting*, 48 W.C.D. 105, 111 (Minn. Work. Comp. Ct. App. 1992), *aff'd*, 495 N.W.2d 207 (Minn. 1993) (unpublished opinion) (holding post-traumatic stress disorder noncompensable because it was not triggered by physical injury).

5. *George W. Jackson Mental Health Ctr. v. Lambie*, 898 S.W.2d 479, 482 (Ark. Ct. App. 1995) (holding that the benefits award was proper because there was no independent intervening cause which broke the chain of causation between the work-related stress and the suicide); *Dunlavey v. Econ. Fire & Cas. Co.*, 526 N.W.2d 845, 846-47 (Iowa 1995) (holding depression and stress compensable

flective of policies that provide the foundation for worker's compensation insurance.⁶

II. HISTORY OF MINNESOTA LAW

A. *The Statute*

Minnesota's Workers' Compensation statute holds employers "liable to pay compensation in every case of personal injury or death of an employee arising out of and in the course of employment⁷ without regard to the question of negligence."⁸ With this language, the statute pre-empts tort remedies and defenses.

The workers' compensation system in Minnesota is based on a mutual renunciation of common law rights and defenses by employers and employees alike. Employees' rights to sue for damages over and above medical and health care benefits and wage loss

if factual and legal causation is shown); *Stokes v. First Nat'l Bank*, 410 S.E.2d 248, 250 (S.C. 1991) (holding nervous breakdown compensable when triggered by an increased workload that constituted an unusual and extraordinary condition of employment); *Univ. of Pittsburgh v. Workmens' Comp. Appeal Bd.*, 405 A.2d 1048, 1050-51 (Pa. Commw. Ct. 1979) (holding compensable a suicide that was induced by a work-related mental breakdown which, according to the medical testimony, was the result of overwork and anxiety); *But see Sorensen v. City of Omaha*, 430 N.W.2d 696, 698 (Neb. 1988) (holding stress-induced gastritis noncompensable because employee did not meet burden of showing violence to the physical structure of the body); *Wolf v. Northmont City Schs.*, 528 N.E.2d 589, 590-91 (Ohio Ct. App. 1987) (holding post-traumatic stress disorder resulting from harassment by school principal to be noncompensable because there was no physical injury); *Lather v. Huron Coll.*, 413 N.W.2d 369, 372 (S.D. 1987) (holding no legislative intent to compensate for attempted suicide brought about by work-related stress).

6. Amy S. Berry, Comment: *The Reality Of Work-Related Stress: An Analysis Of How Mental Disability Claims Should Be Handled Under The North Carolina Workers' Compensation Act*, 20 CAMPBELL L. REV. 321, 324 (1988). "State legislatures enacted workers' compensation statutes to assure income to workers who suffered disabling injuries on the job, to provide treatment and rehabilitation for work-related injuries, and to facilitate a return to work." *Id.*

7. *Id.* at 326 (quoting Thomas S. Cook, *Workers' Compensation and Stress Claims: Remedial Intent and Restrictive Application*, 62 NOTRE DAME L. REV. 879, 882 (1987)):

An injury arises out of employment if it is the result of a risk to which the employee was exposed because of the nature, conditions, obligations, or incidents of the employment. The course of employment requirement examines the time, place, and circumstances of the injury in relation to the employment.

Id.

8. MINN. STAT. § 176.021(1)(2000).

benefits are to a certain degree limited by [the statutory provisions], and employers' rights to common law defenses...are curtailed as well.⁹

The statute further provides that intentionally self-inflicted injuries are not compensable.¹⁰ On the topic of self-inflicted injuries that culminate in suicide, the legislature has been somewhat ambivalent over the years. Prior to 1967, the statute required employers to compensate injuries "unless the injury or death was intentionally self-inflicted."¹¹ In 1967, the aforementioned language was buttressed with an express exclusion of compensation for suicide.¹² The pendulum swung back in 1973 when the legislature deleted the express exclusion of suicide as well as the term "death." Since 1973 the relevant language has been as follows: "If the *injury* was intentionally self-inflicted...then the employer is not liable."¹³

B. Case Law

1. Mental Injuries Not Culminating In Suicide

On numerous occasions, Minnesota courts have examined the compensability of work-related mental injuries under the statute.¹⁴

9. Craig B. Nichols, Article, *Work-Related Mental Injuries: Minnesota's Compensability Standards*, 22 HAMLINE L. REV. 259, 259-60 (1998).

10. MINN. STAT. § 176.021(1)(1999). "If the injury was intentionally self-inflicted or the intoxication of the employee is the proximate cause of the injury, then the employer is not liable for compensation. The burden of proof of these facts is upon the employer." *Id.*

11. MINN. STAT. § 176.021(1)(1965) (emphasis added).

12. MINN. STAT. § 176.021(1)(1971). "Every such employer is liable for compensation...unless the injury or death was intentionally self-inflicted...suicides are not compensable." *Id.*

13. MINN. STAT. § 176.021(1)(1999) (emphasis added).

14. Childers v. Honeywell, Inc., 505 N.W.2d 611, 612 (Minn. 1993); Johnson v. Paul's Auto & Truck Sales, Inc., 409 N.W.2d 506, 508 (Minn. 1987); Rindahl v. Brighton Wood Farms, Inc., 382 N.W.2d 855, 856 (Minn. 1986); Meils v. N.W. Bell Tel. Co., 355 N.W.2d 710, 715 (Minn. 1984); Egeland v. City of Minneapolis, 344 N.W.2d 597, 605 (Minn. 1984); Lockwood v. Indep. Sch. Dist. No. 877, 312 N.W.2d 924, 926 (Minn. 1981); Mitchell v. White Castle Sys., Inc., 290 N.W.2d 753, 756 (Minn. 1980); Aker v. State of Minn. Dep't of Natural Res., 282 N.W.2d 533, 536 (Minn. 1979); Schwartz v. Talmo, 205 N.W.2d 318, 322 (Minn. 1973); Lehman v. A.V. Winterer Co., 136 N.W.2d 649, 652 (Minn. 1965); Olson v. F.I. Crane Lumber Co., 107 N.W.2d 223, 225 (Minn. 1961); Anderson v. Armour & Co., 101 N.W.2d 435, 441 (Minn. 1960); Hartman v. Cold Spring Granite Co., 67 N.W.2d 656, 670 (Minn. 1954); Welchlin v. Fairmont Ry. Motors, 230 N.W. 897, 902 (Minn. 1930); Jaakola v. Olympic Steel, Inc., 56 W.C.D. 238, 240 (Minn. Work. Comp. Ct. App. 1996); Larson v. McNamara Contracting, 48 W.C.D. 105, 111 (Minn. Work. Comp.

Earlier decisions provided compensation only if a physical injury also occurred,¹⁵ such that only cases of so-called physical/mental injuries or mental/physical injuries¹⁶ were compensable. While holding firm to the requirement of either a precipitating or resulting physical injury, Minnesota has compensated mental injuries that resulted from minor physical injuries.¹⁷ *Mitchell v. White Castle Systems, Inc.*¹⁸ held as compensable depression arising in an employee whose face was slapped at work. Further, *Ziebarth v. Hubbard Milling Co.*¹⁹ awarded compensation for depression resulting from a work-related incident in which the employee sustained a bruised hip.

a. Precipitating Physical Injuries

Courts have compensated parties when the mental injury was caused by a work-related physical injury. As early as 1930 in *Welchlin v. Fairmont Railway Motors*,²⁰ the supreme court granted partial disability payments to a worker who suffered a “neurosis” precipitated by an injury to his leg and groin. The court based its holding on English case law,²¹ and reasoned the neurosis continued the disability brought about by the original physical injury.²² Minnesota courts have continued to apply this reasoning in subsequent

Ct. App. 1992); *Casler v. RCI Brokerage, Inc.*, No. 474-42-6794, 1995 WL 376768, at *3 (Minn. Work. Comp. Ct. App. June 8, 1995); *Dunn v. U.S. West Communications*, 52 W.C.D. 682, 682 (Minn. Work. Comp. Ct. App. 1995); *Schanil v. Communications Sys., Inc.*, 51 W.C.D. 251, 256 (Minn. Work. Comp. Ct. App. 1994); *Pettis v. United Parcel Serv.*, No. 574-10-1311, 1990 WL 166134, at *2 (Minn. Work. Comp. Ct. App. April 26, 1990); *Ziebarth v. Hubbard Milling*, 1989 WL 226720, at *3 (Minn. Work. Comp. Ct. App. 1989); *Bruels v. Cloutier & Musech*, No. 469-46-1258, 1989 WL 226710, at *3 (Minn. Work. Comp. Ct. App. September 11, 1989).

15. Nichols, *supra* note 9, at 278. “Mental claims resulting in solely mental stimulus...are, pursuant to *Lockwood*, not compensable.” *Id.*

16. 3 ARTHUR LARSON & LEX K. LARSON, LARSON’S WORKERS’ COMPENSATION LAWS, § 56.01 (1999) (describing three types of mental injury claims: 1. Physical/mental: mental injury produced by physical stimulus; 2. Mental/physical: physical injury produced by mental stimulus; 3. Mental/mental: mental injury produced by mental stimulus).

17. *But see Dunn*, 52 W.C.D. at 682 (declining to compensate post-traumatic stress disorder caused by robbery in which plaintiff sustained a minor wrist injury on grounds injury was an insufficient physical trauma).

18. 290 N.W.2d at 756.

19. 1989 WL 226720, at *3.

20. 230 N.W. 897, 898 (Minn. 1930).

21. *Eaves v. Blaenclydah Colliery Co.*, [1909] 2 K.B. 73 (Eng.).

22. *Welchlin*, 230 N.W. at 898.

cases and have declined compensation only when causation was not found.²³

b. Resulting Physical Injuries

Compensation has also been awarded when a work-related mental injury resulted in a physical injury. In *Aker v. State Department of Natural Resources*,²⁴ the supreme court granted compensation to the widow of an employee who experienced a mild heart attack one day after recovering decomposed bodies from a campsite and suffered a second, fatal heart attack two weeks later. The court reasoned the removal of the bodies subjected the employee to extreme emotional stress and proximately caused physical injury and death.²⁵

In *Bruels v. Cloutier & Musech*,²⁶ the only subsequent case of this nature, the court awarded compensation to an office manager who suffered temporal mandibular joint syndrome (TMJ) and recurrent rectal bleeding as a result of job stress.²⁷ *Bruels* expanded *Aker* in that the *Bruels* court recognized physical injuries resulting from cumulative stress,²⁸ whereas *Aker's* injury resulted from a specific incident. In addition, *Bruels* recognized that for a stress-induced physical injury to be compensable, the precipitating stress must be beyond the ordinary day-to-day stress to which all employees are exposed.²⁹

c. No Physical Injuries

Compensation has not been awarded when mental injuries occurred absent physical injuries. The landmark case, *Lockwood v. In-*

23. *Ringdahl v. Brighton Wood Farms, Inc.*, 382 N.W.2d 855, 856 (Minn. 1986); *Mitchell*, 290 N.W.2d at 756; *Hartman v. Cold Spring Granite Co.*, 67 N.W.2d 656, 660; *Dunn v. US West Communications*, 52 W.C.D. 682, 684-85 (Minn. Work. Comp. Ct. App. 1995); *Ziebarth*, 1989 WL 226720, at *3 (awarding compensation in all save *Dunn* and *Ringdahl*).

24. 282 N.W.2d 533 (Minn. 1979).

25. *Id.* at 536.

26. No. 469-46-1258, 1989 WL 226710, at *1 (Minn. Work. Comp. Ct. App. 1989).

27. *Id.* at *3.

28. *Id.* at *1.

29. *Id.* at *2. *But see Meils v. N.W. Bell Tel. Co.*, 355 N.W.2d 710, 715 (Minn. 1984) (granting compensation for suicide caused by stress without regard to whether that stress was beyond the ordinary stress of employment).

dependent School District No. 877,³⁰ denied compensation to a high school principal who experienced stress as a result of a rapidly growing school district. While the court acknowledged that *Lockwood* could be seen as a natural extension of *Hartman v. Cold Spring Granite Co.*³¹ and *Aker*,³² it declined compensation because there was no clear legislative intent to compensate mental disabilities without physical trauma.³³

Cases subsequent to *Lockwood* yielded the same result with analyses that were variations on the *Lockwood* theme. The courts denied compensation because stress-induced physical ailments were not susceptible to discrete medical treatment,³⁴ because stress-induced symptoms were alleviated when stress disappeared,³⁵ or because the employee simply had not sustained a physical injury.³⁶

2. Mental Injuries Culminating In Suicide

On five prior occasions, Minnesota has addressed workers' compensation claims where mental injuries culminated in suicide.³⁷ The cases differed from *Middleton* in that each involved a precipitating physical injury.³⁸ While holding firm to requiring precipitating physical injury, courts allowed the suicide to be remote in time

30. 312 N.W.2d 924, 926 (Minn. 1981).

31. 67 N.W.2d 656, 663 (Minn. 1954) (awarding compensation to employee who suffered depression subsequent to three work-related injuries over eighteen months).

32. *Aker v. State of Minn. Dep't of Natural Res.*, 282 N.W.2d 533, 536 (Minn. 1979); see also *supra* note 24 and accompanying text.

33. *Lockwood*, 312 N.W.2d at 926.

34. *Johnson v. Paul's Auto & Truck Sales Inc.*, 409 N.W.2d 506, 508-09 (Minn. 1987); *Pettis v. United Parcel Ser.*, No. 469-44-2350, 1990 WL 166134, at *2-3 (Minn. Work. Comp. Ct. App. April 26, 1990).

35. *Schanil v Communications Sys., Inc.*, 51 W.C.D. 251, 258 (Minn. Work. Comp. Ct. App. 1994).

36. *Jaakola v. Olympic Steel, Inc.*, 560 N.W.2d 92, 92 (Minn. 1997); *Larson v McNamara Contracting*, 495 N.W.2d 207, 208 (Minn. 1993).

37. *Ziebarth v. Hubbard Milling Co.*, No. 574-10-1311, 1989 WL 226720, at *1 (Minn. Work. Comp. Ct. App. September 15, 1989) (compensating depression triggering an attempted suicide).

38. *But see Anderson v. Armour & Co.*, 101 N.W.2d 435, 436 (Minn. 1960) (treating as a physical injury an automobile accident in which a pedestrian was injured but the employee was not). Cf. *Casler v. RCI Brokerage, Inc.*, No. 474-42-6794, 1995 WL 376768, at *3 (Minn. Work. Comp. Ct. App. June 8, 1995) (denying compensation for second automobile accident in which employee was not physically injured but sustained depression and anxiety disorder from witnessing accident).

from the physical injury.³⁹ The courts awarded compensation in three of the five cases, with statutory revisions as well as a changing view of legal causation playing roles in the outcomes.

a. *Compensable Suicide*

Beginning in 1960 with *Anderson v. Armour & Co.*⁴⁰, the court applied the *Sponatski*⁴¹ causation rule. To award compensation under the *Sponatski* rule, a court must find the decedent acted “without conscious volition to produce his or her death and without knowledge of the physical consequences of his or her act”⁴² and must deem a “direct and unbroken causal connection between the injury and the suicide.”⁴³ The *Anderson* court mirrored *Sponatski* and held a suicide to be compensable when the employee “killed himself while possessed of an uncontrollable or irresistible impulse or while in a delirium of frenzy without rational knowledge of the physical consequences of his act.”⁴⁴ *Sponatski* held the chain of causation between the work-related injury and subsequent suicide was unbroken provided the decedent did not “know the purpose and the physical effect of the suicidal act.”⁴⁵

The same year, and still in keeping with *Sponatski*, the court awarded compensation for suicide precipitated by a work-induced heart attack in *Olson v. F.I. Crane Lumber Co.*⁴⁶ The Court based its

39. *Meils v. N.W. Bell Tel. Co.*, 355 N.W.2d 710, 715 (Minn. 1984) (holding as compensable suicide nine years after back injury that was a substantial contributing cause of the suicide). *But see Lehman v. A.V. Winterer Co.*, 136 N.W.2d 649, 651 (Minn. 1965) (holding as “too remote and speculative” a suicide preceded by three and one-half years by a work-related back injury).

40. 101 N.W.2d at 440 (involving an employee whose psychotic depression was precipitated by an automobile accident which injured a pedestrian but did not injure the employee).

41. *In re Sponatski*, 108 N.E. 466, 468 (Mass. 1915):

[W]here there follows as the direct result of a physical injury an insanity of such violence as to cause the victim to take his own life through an uncontrollable impulse or in a delirium of frenzy without conscious volition to produce death, having knowledge of the physical consequences of the act, then there is a direct and unbroken causal connection between the physical injury and the death.

42. LEE R. RUSS & THOMAS F. SEGALLA, 9 COUCH ON INS. § 136:51, 2 (3d ed. 1999).

43. *Id.* (quoting *Lehman*, 136 N.W.2d at 649).

44. *Anderson*, 101 N.W.2d at 440.

45. *Sponatski*, 108 N.E. at 468.

46. 107 N.W.2d 223, 225 (Minn. 1961) (involving an employee who devel-

holding on *Anderson*⁴⁷ and reasoned by analogy to find Olson's heart attack more psychologically taxing than Anderson's traffic collision. "It would seem that a severe coronary attack could prey on a victim's mind, causing mental illness, even more so than a highway accident."⁴⁸

Over twenty years later, *Meils v. N.W. Bell Tel. Co.*⁴⁹ awarded compensation for a suicide that occurred nine years after a back injury.⁵⁰ The court was able to do so because of the 1973 statutory revision⁵¹ and due to rejection of the *Sponatski* rule. The court instead adopted the objective causation test, which "simply requires the [plaintiff] to establish a causal connection between the workplace and the mental injury; she need not establish that the stress that caused the injury was unusual or extraordinary."⁵² The court articulated the new rule for Minnesota as follows:

The burden of proof is on the claimant to establish by substantial evidence that the employee's work-related injury and its consequences directly caused a mental derangement of such severity that it overrode normal, rational thinking and judgment. The claimant must prove by substantial evidence an unbroken chain of causation between the work-related injury, the mental derangement, and the suicide. As in other subsequent injury situations, the work-related injury need not be the *sole* cause of the suicide, but it must be a substantial cause.⁵³

In the twenty-four years that elapsed between *Anderson* and *Meils*, Minnesota's Supreme Court and legislature made dramatic alterations that poised the court for *Middleton*. The legislature's statutory amendments reopened the door for compensation of suicides brought on by work-related injuries. Meanwhile, the court abandoned the "delirium of frenzy" standard of *Anderson* that had been derived from *Sponatski*.⁵⁴ The court abandoned "*Sponatski*'s insistence that the employee realize neither the purpose nor the

oped depression and committed suicide after sustaining a heart attack while unloading lumber).

47. *Anderson*, 101 N.W.2d at 441.

48. *Olson*, 107 N.W.2d at 225.

49. 355 N.W.2d 710 (Minn. 1984).

50. *Id.* at 715.

51. *Id.* at 714; see also MINN. STAT. § 176.021(1) (1999).

52. Glenn M. Troost, Comment, *Workers' Compensation and Gradual Stress in the Workplace*, 133 U. Pa. L. Rev. 847, 848 (1985).

53. *Meils*, 355 N.W.2d at 715.

54. *Anderson v. Armour & Co.*, 101 N.W.2d 435, 440 (Minn. 1960).

physical effect of the suicidal act.”⁵⁵ Instead the court moved Minnesota to a legal stance where “[t]he employee’s realization of the purpose and physical consequences of his act are irrelevant to the question of causation.”⁵⁶

b. Non-Compensable Suicide

In the more than two decades that elapsed between *Olson* and *Meils*, Minnesota denied compensation for suicide in two cases, citing different reasons in each. Applying the *Sponatski* rule, the court heard *Lehman v. A.V. Winterer Co.*⁵⁷ in 1965, but declined to award compensation because the employee’s suicide came three and one-half years after his physical injury.⁵⁸

The general rule that where insanity and suicide follow an injury to a workman which was otherwise compensable compensation may be awarded if the act of suicide resulted from an uncontrollable impulse or in a delirium of frenzy and without conscious volition to cause death does not apply in the absence of a direct and unbroken causal connection between the injury and the suicide and where the record indicates that other factors constituted an intervening cause.⁵⁹

The court again denied compensation in *Schwartz v. Talmo*⁶⁰ where the employee’s suicide followed one and one-half years after a back injury and resulting depression.⁶¹ Despite the time lapse, the court found a causal connection between the injury and the suicide,⁶² but denied compensation due to the 1967 statutory amendment expressly excluding suicide.⁶³

55. *Meils*, 355 N.W.2d at 714.

56. *Id.*

57. 136 N.W.2d 649 (Minn. 1965) (involving an employee who committed suicide after sustaining depression precipitated by a back injury caused by unloading pipe).

58. *Id.* at 651 (reasoning that a “[b]rain derangement which resulted in [decendent’s] death was not causally connected with his physical injury. The possibility that [decendent’s] suicide resulted from a state of depression or despondency caused by the work-related injury is too remote and speculative to support an award.”).

59. *Id.* at 649.

60. 205 N.W.2d 318 (Minn. 1973).

61. *Id.* at 322.

62. *Id.* at 320.

63. *Id.* at 322 (“The language of the statute is clear and explicit and makes suicides which occur after September 1, 1967, noncompensable.”); see also *supra*

Minnesota's statute and causation standards have evolved over the years. *Middleton* presented the first opportunity to apply those changes to a suicide absent a physical injury.

III. HISTORY OF THE LAW IN OTHER JURISDICTIONS

An examination of case law in other jurisdictions reveals some states are in line with Minnesota's precedent of awarding compensation only for physical/mental or mental/physical injuries.⁶⁴ At the same time, other states were ahead of Minnesota in awarding compensation for purely mental/mental injuries.⁶⁵

As was the case in Minnesota prior to *Middleton*, other states have various reasons for denying compensation for mental disorders absent a physical injury. Some states hold firm to the principle that the only compensable injuries are physical injuries.⁶⁶ At least one state, citing *Lockwood*, relied upon a lack of legislative intent to compensate absent a physical injury.⁶⁷

In cases where mental injuries culminated in suicide, states have employed varying causation standards when examining the linkage between employment, mental illness and suicide. Missouri has applied the *Sponatski* rule⁶⁸ to deny compensation where the decedent was found to have knowingly and willfully committed suicide.⁶⁹ At the same time, other states have applied the objective

note 12 and accompanying text.

64. *Supra* note 16 and accompanying text.

65. *Id.*

66. *Sorensen v. City of Omaha*, 230 Neb. 286, 298 (Neb. 1988) (denying compensation due to a lack of "violence to the physical structure of the body..."); *Dockum v. Syroco Inc.*, 687 N.Y.S.2d 759, 760 (N.Y. 1999) (denying compensation for attempted suicide following job termination on the grounds that purely mental injuries are not compensable); *Wolf v. Northmont City Schs.*, 38 Ohio App. 3d 118, 118 (Ohio Ct. App. 1987) (denying compensation for post-traumatic stress disorder following on-the-job harassment because there was no physical injury); *Pinkerton v. State, ex rel. Wyo. Workers' Safety and Comp. Div.*, 939 P.2d 250, 251 (Wyo. 1997) (denying compensation for mental illness arising from correction officer's discovery of inmate's body on grounds mental injury absent a physical injury is not compensable).

67. *Lather v. Huron Coll.*, 413 N.W.2d 369, 372 (S.D. 1987) (citing *Lockwood's* reasoning of lack of legislative intent to deny compensation for attempted suicide by college basketball coach).

68. *Supra* note 41, at 468 and accompanying text.

69. *Rooks v. Trans World Airlines, Inc.*, 887 S.W.2d 671, 674 (Mo. Ct. App. 1994) (holding as non-compensable a suicide committed with "sufficient mental power to know the purpose and effect of the act."); *Kolde v. St. Louis County*, 809 S.W.2d 14, 16 (Mo. Ct. App. 1991) (holding as non-compensable a

causal connection test in their analyses.⁷⁰ Provided factual causation⁷¹ is shown, the objective causal connection test holds the employer liable if “(e)mployment conditions, when compared to non-employment conditions, were the major contributing cause of the mental disorder.”⁷²

In *George W. Jackson Mental Health Ctr. v. Lambie*,⁷³ Arkansas applied the objective causal connection standard to award compensation for a computer programmer’s suicide that resulted from the stress of implementing an unworkable computer program. The court found there was no “independent intervening cause breaking the chain of causation between the stress [the programmer] experienced as a result of his employment and his suicide.”⁷⁴

Iowa dropped the *Sponatski*-like standard it first articulated in 1959⁷⁵ and adopted the objective causal standard with its holding in *Kostelac v. Feldman’s, Inc.*⁷⁶ In two recent cases, Iowa courts further refined their objective standard by emphasizing

[c]ausation exists if [an employee’s] stresses and tensions, when viewed objectively and not as the employee perceives them, were of greater magnitude than the day-to-day mental stresses workers employed in the same or similar jobs experience routinely regardless of employer...Evidence of the stresses of other workers em-

suicide that was not committed while “insane”) (superceded by statute); *but cf.* *Anderson v. Noel T. Adams Ambulance Dist.*, 931 S.W.2d 850, 854 (Mo. Ct. App. 1996) (employing the objective causal connection standard and holding as compensable post-traumatic stress disorder not resulting in suicide); *Todd v. Goostree*, 493 S.W.2d 411, 411 (Mo. Ct. App. 1973) (holding as compensable a “traumatic neurosis” which arose after employee accidentally crushed co-worker to death).

70. *Infra* notes 73-78 and accompanying text.

71. *Humboldt Cmty. Schs. v. Fleming*, 603 N.W.2d 759, 763 (Iowa 1999) (“The claimant must show the job caused the mental injury (the factual causation) and that the mental injury was caused by stress of a greater magnitude than the day-to-day stress experienced by workers in the same or similar jobs (legal causation).”).

72. Troost, *supra* note 52, at 852.

73. 898 S.W.2d 479, 483 (Ark. Ct. App. 1995).

74. *Id.*; see also *Owens v. Nat’l Health Labs., Inc.*, 648 S.W.2d 829, 831 (Ark. Ct. App. 1983) (denying compensation for mental illness not culminating in suicide on grounds it resulted neither from a traumatic episode nor from cumulative stress in excess of the ordinary day-to-day stress experienced by all employees).

75. *Schofield v. White*, 95 N.W.2d 40, 46 (Iowa 1959) (articulating a “delirium of frenzy” rule).

76. 497 N.W.2d 853, 856-57 (Iowa 1993) (overruling “delirium of frenzy” rule of *Schofield*, thus declining to compensate for suicide on grounds causation not linked to employment).

ployed by the same employer in the “same or similar jobs will usually be most persuasive and determinative on the issue.”⁷⁷

In addition, outside the Eighth Circuit, at least six other states have applied the objective causal connection test to cases in which mental injuries culminated in suicide.⁷⁸ It is within this historical and existing context that *Middleton v. N.W. Airlines* reached Minnesota’s Supreme Court.

IV. THE FACTS OF *MIDDLETON*

James Middleton, a long-term employee of N.W. Airlines,⁷⁹ held a position in the tubing department and performed duties that required attention to detail and precision.⁸⁰ Beginning in 1993, Middleton experienced work-related stress as a result of changes that occurred in the tubing department.⁸¹ Middleton’s

77. *Humboldt Comm. Schs. v. Fleming*, 603 N.W.2d 759, 762 (Iowa 1999) (quoting *Dulavey* when awarding compensation for suicide resulting from work-related stress, anxiety, and depression); *cf. Blanchard v. Belle Plaine/Vinton Motor Supply Co.*, 596 N.W.2d 904, 908 (Iowa Ct. App. 1999) (denying compensation for suicide on grounds decedent’s depression was “endogenous [in that it came] from within [the] individual and not from the environment.”); *see also Dunlavy v. Economy Fire & Cas. Co.*, 526 N.W.2d 845, 846 (Iowa 1995) (applying same causation standard of *Humboldt* to award compensation for job-related stress not culminating in suicide).

78. *Findley v. Indus. Comm’n of Ariz.*, 660 P.2d 874, 878 (Ariz. Ct. App. 1983) (stating suicide should be compensated as any other inability to work); *Chu v. W.C.A.B.*, 57 Cal. Rptr. 2d 221, 226 (Cal. Ct. App. 1996) (stating both physical and mental injuries sustained as a result of job stress are compensable); *Hammons v. City of Highland Park Police Dep’t.*, 364 N.W.2d 575, 582 (Mich. 1984) (holding “[i]f the work results in mental injury and the mental injury results in suicide, the suicide is compensable.”); *Miller v. Int’l Bhd. of Elec. Workers Local 631*, 654 N.Y.S.2d 460, 461 (N.Y. App. Div. 1997) (holding “if a work-related injury causes a pattern of mental deterioration, which in turn causes suicide, death benefits may be awarded....”); *Martin v. Ketchum, Inc.*, 568 A.2d 159, 166 (Pa. 1990) (denying compensation for suicide that resulted from decedent’s subjective reaction to normal working conditions); *Globe Sec. Syst. Co. v. W.C.A.B.*, 544 A.2d 953, 957 (Pa. 1988) (awarding compensation for security guard’s suicide that occurred immediately after guard shot robbery suspect); *Cohn ex rel. Shindell v. Apogee, Inc.*, 593 N.W.2d 921, 927 (Wis. Ct. App. 1999).

79. *Middleton v. N.W. Airlines*, 600 N.W.2d 707, 707 (1999).

80. *Id.*

81. *Id.* at 707-08 (citing the following departmental changes as causes for Middleton’s stress: a change to the procedure used to inspect tubing prior to its use on aircraft; Middleton’s rank as senior employee in the department after a co-worker’s retirement; a large backlog of work orders as a result of a one-time retrofit of DC-9 aircraft.)

mental suffering was apparent to his family and friends, and he attributed his distress to his work situation.⁸²

Middleton consulted his family physician and was referred to a psychologist who diagnosed situational depression.⁸³ Subsequently, Middleton relayed his suicidal thoughts to both his wife and his family physician, and the latter placed him on an indefinite medical leave of absence from his employment.⁸⁴ Despite these efforts and treatment with anti-anxiety and anti-depressive medications, Middleton committed suicide in June 1994.⁸⁵

Middleton's widow filed a claim for workers' compensation death benefits.⁸⁶ The claim was denied for lack of legal causation as the evidence failed to show Middleton experienced stress beyond the ordinary work place stress to which all employees are exposed.⁸⁷ The WCCA subsequently affirmed, citing *Lockwood* as controlling the non-compensability of mental/mental⁸⁸ injuries.⁸⁹

V. THE COURT'S ANALYSIS

A. *The Majority Opinion*

In finding Middleton's suicide potentially compensable, the majority premised its holding on three prongs: its assertion that suicide is an anomaly and falls outside of Minnesota's precedent of not compensating mental/mental⁹⁰ injuries;⁹¹ its use of *Meils* rather than *Lockwood* as precedent; and its analysis of the current and former legislative language.⁹²

1. *Suicide As An Anomaly*

In the first prong, the court did not overrule prior holdings that denied compensation for mental/mental injuries, but instead

82. *Id.* at 708.

83. *Id.*

84. *Id.*

85. *Middleton*, 600 N.W.2d at 708.

86. *Id.*

87. *Id.*

88. *Infra* note 90 and accompanying text.

89. *Middleton*, 600 N.W.2d at 708-09.

90. LARSON & LARSON, *supra* note 16 (defining a mental/mental injury as one in which a mental injury is produced by mental stimulus).

91. *Middleton*, 600 N.W.2d at 709.

92. *Id.* at 710.

distinguished mental/mental injuries that culminate in suicide. “[S]tress-induced suicide cannot simply be classified a mental injury produced by mental stimulus, as death is not merely a state of mind.”⁹³ Without expressly doing so, the majority placed Middleton’s suicide into the mental/physical injury category⁹⁴ by reasoning that “death by suicide [is] analogous to other subsequent physical injuries.”⁹⁵ The court buttressed this reasoning by linking its holding to those of *Aker* and *Egeland*,⁹⁶ cases in which the plaintiff’s injuries did not result in suicide. Work-related stressors triggered “subsequent physical injuries” in *Aker*⁹⁷ and in *Egeland*⁹⁸ in the forms of a heart attack and an ulcer respectively.

2. Meils As Controlling Precedent

As to the second prong, the court’s choice of *Meils* rather than *Lockwood* as controlling precedent had a dramatic impact on the outcome. The employee in *Meils* suffered an on-the-job back injury that precipitated his depression and resulted in suicide nine years after the initial injury.⁹⁹ The employee in *Lockwood* suffered job-related stress that resulted in manic depression but did not culminate in suicide.¹⁰⁰ The court awarded compensation in *Meils*¹⁰¹ but declined to do so in *Lockwood*.¹⁰² The employee in *Middleton* suffered employment stress that resulted in depression and ultimately his suicide.¹⁰³

93. *Id.* at 709.

94. LARSON & LARSON, *supra* note 16 (describing the first of three types of mental injury claims).

95. *Middleton*, 600 N.W.2d at 710.

96. *Id.* at 710-11.

97. *Aker v. State of Minn. Dep’t of Natural Res.*, 282 N.W.2d 533, 536 (Minn. 1979) (awarding compensation for employee’s fatal heart attack induced by job duty of removing badly decomposed bodies of campers).

98. *Egeland v. City of Minneapolis*, 344 N.W.2d 597, 605 (Minn. 1984) (awarding compensation for ulcer caused by work-related stress but denying compensation for depression caused by work-related stress reasoning compensation for depression barred by *Lockwood*). *But see Middleton*, 600 N.W.2d at 711 (misrepresenting the holding of *Egeland*: “police officer’s ulcer aggravated by chronic depression caused by work-related emotional stress held compensable”).

99. *Meils v. N.W. Bell Tel. Co.*, 355 N.W.2d 710, 710 (Minn. 1984).

100. *Lockwood v. Indep. Sch. Dist. No. 877*, 312 N.W.2d 924, 924-25 (Minn. 1981).

101. *Meils*, 355 N.W.2d at 715.

102. *Lockwood*, 312 N.W.2d at 927.

103. *Middleton*, 600 N.W.2d at 708.

By choosing to align itself with *Meils* and not *Lockwood*, the court emphasized its requirement of some form of physical injury for compensability.¹⁰⁴ More importantly, it negated the requirement of a *precipitating* physical injury by asserting that the precipitating physical injury in *Meils* was not dispositive.¹⁰⁵ The court reasoned that the precipitating physical injury in *Meils* did not distinguish that case from *Middleton* because causation of a “subsequent injury” was the central issue in *Meils*.¹⁰⁶ In the court’s analysis, *Middleton*’s subsequent injury was his suicide¹⁰⁷ and therefore *Meils* was controlling.

While there are both factual similarities and dissimilarities amongst *Meils*, *Lockwood* and *Middleton*, the court’s selection of *Meils* as controlling allowed the court to find in *Middleton*’s favor.¹⁰⁸

3. Legislative Language

With the third prong of its analysis, the court reviewed the statutory amendments to date¹⁰⁹ and found suicide to be compensable due to the “absence of legislative directive to the contrary.”¹¹⁰ Finding no legislative roadblocks as it had in *Schwartz*¹¹¹ and *Lockwood*,¹¹² the court was free to find in *Middleton*’s favor.

B. The Dissenting Opinions

Justices Anderson, Page, and Stringer disagreed with the majority opinion.¹¹³ The Justices noted that the compensation judge

104. *Id.* at 710.

105. *Id.*

106. *Id.* “In *Meils*, a compensable physical injury precipitated the mental derangement, but that fact was not central to disposition of the primary issue: the causal test for compensability of a subsequent injury.” *Id.*

107. *Id.* at 709.

108. *Id.* at 710-11.

109. *Supra* notes 11-13 and accompanying text.

110. *Middleton*, 600 N.W.2d at 710. *But cf.* *Jaakola v. Olympic Steel, Inc.*, 56 W.C.D. 238, 240 (Minn. Work. Comp. Ct. App. 1996), 560 N.W.2d 92, 92 (Minn. 1997) (unpublished opinion) (involving an employee who experienced mental stress after witnessing, as well as attempting to revive, a co-worker and friend crushed to death in a work accident); *Lockwood v. Indep. Sch. Dist. No. 877*, 312 N.W.2d 924, 926 (Minn. 1981) (citing no legislative intent to compensate mental injuries).

111. *Schwartz v. Talmo*, 295 Minn. 356, 361, 205 N.W.2d 318, 322 (1973).

112. *Lockwood*, 312 N.W.2d at 927.

113. *Middleton*, 600 N.W.2d at 711-13.

specifically found Middleton's stress did not meet the *Egeland*¹¹⁴ threshold of stress.¹¹⁵ Thus, the majority improperly addressed the issue of legal causation without first overturning the factual findings of the compensation judge,¹¹⁶ and it could not do so based upon the "clearly erroneous" standard.¹¹⁷

Justice Stringer wrote separately and further dissented on grounds Minnesota precedent is inapposite to the majority's holding.¹¹⁸ Moreover, Justice Stringer argued the 1973 statutory amendment that deleted the exclusion of suicide did not reflect legislative intent to compensate for suicides.¹¹⁹ Finally, Justice Stringer asserted the legislature did not have intent contrary to the holding of *Lockwood*¹²⁰ since it had not made such intent known.¹²¹

VI. ANALYSIS OF *MIDDLETON*'S HOLDING

The court's holding, in determining that such mental-mental injuries as Middleton's suicide may be compensable, was proper because it reflected public policy rationales of workers' compensation insurance, the realities of the modern workplace and modern employees, and the disabling effects of mental injuries.

A. *Public Policy*

The holding conforms with public policy rationales that favor employees' rights to workers' compensation benefits. Such policy

114. *Egeland v. City of Minneapolis*, 344 N.W.2d 597, 603 (Minn. 1984) (holding stress compensable only when it is "beyond the ordinary day-to-day stress to which all employees are exposed").

115. *Middleton*, 600 N.W.2d at 711.

116. *Id.*

117. *Id.* at 711-712 (quoting *Hengemuhle v. Long Prairie Jaycees*, 358 N.W.2d 54, 59 (Minn. 1984) "The findings of the judge are to be affirmed 'if, in the context of the record as a whole [the findings] are supported by evidence that a reasonable mind might accept as adequate").

118. *Id.* at 712-13 (asserting *Lockwood* has been effectively overturned by *Middleton* since the facts of *Lockwood*—a school superintendent experienced debilitating work-related stress but did not commit suicide—are directly on point to those of *Middleton*).

119. *Id.* at 713 ("[W]e cannot read into this amendment a legislative intent that a suicide caused by a noncompensable mental injury should be treated any differently than any less drastic self-induced injury...").

120. *Lockwood*, 312 N.W.2d at 926-27 (holding manic depressive disorder brought on by job stress to be noncompensable absent clear legislative intent to compensate mental disabilities without physical trauma).

121. *Middleton*, 600 N.W.2d at 713.

views require employers to take employees as they are,¹²² and hold employers strictly liable for employees' work-related injuries.¹²³ At the same time, the holding may test countervailing policies that question the legitimacy and treatability of mental injuries; and recognize the economic impact of compensating such injuries.

1. *Public Policy Favoring Employees*

Minnesota's workers' compensation legislation is grounded in fundamental principles of providing for employees injured on the job regardless of the manner in which the employee sustains the injury.¹²⁴ These principles are especially important when considered in light of the fact that an injured employee surrenders his or her common-law right to sue an employer in exchange for guaranteed redress through workers' compensation insurance.¹²⁵ The statute reflects the public's general perception that an employer bears some responsibility for injuries incurred while the employee was operating on the employer's behalf.¹²⁶ *Middleton* recognized that belief and advanced it to include mental injuries, as well as physical injuries, that arise out of employment.

Further, *Middleton* finally gave credence to an issue the court recognized as early as *Lockwood*, "Unquestionably, disablement resulting from a mental illness caused by mental stimulus is as real as

122. *Egeland*, 344 N.W.2d at 604 (quoting *Walker v. Minnesota Steel Co.*, 167 Minn. 475, 476, 209 N.W. 635, 635 (1926)):

The Compensation Act was designed for the protection of all laborers coming within its purview. That is, it does not apply to those only who are strong in body. Neither is it limited to those only who are normal. Those who are below normal, have a weakness, or carry perchance a disease, are also within its protection. Compensation is not dependent upon any implied assumption of perfect health. It does not exclude the weak or physically unfortunate.

Id.

123. *D.W. Hutt Consultants, Inc. v. Constr. Maint. Sys., Inc.*, 526 N.W.2d 62, 65 (Minn. 1995) ("The purpose of the Workers' Compensation Act is to provide security for individuals in the work force and to shift economic loss to industry and the public by holding employers strictly liable for work-related injuries sustained by their employees.").

124. MINN. STAT. § 176.021(1)(2000) ("Every employer is liable for compensation according to the provisions of this chapter and is liable to pay compensation in every case of personal injury or death of an employee arising out of and in the course of employment without regard to the question of negligence").

125. *Cook*, *supra* note 7, at 906.

126. Patricia Pattison & Philip E. Varca, *Workers' Compensation For Mental Stress Claims In Wyoming*, 29 LAND & WATER L. REV. 145, 149 (1994).

any other kind of disablement.”¹²⁷ The court’s opinion is reflected in data that shows mental illness can be extremely debilitating.¹²⁸

While the court recognized the reality of mental/mental disabilities, the countervailing policies are those related to the legitimacy of mental illness itself, the productivity of employees with mental injuries and the resulting cost to employers when these injuries occur.

2. *Legitimacy/Treatability Of Mental Illness*

There is still present in society today an inherent skepticism regarding mental illness, despite data that support the veracity of mental diseases.¹²⁹ The reality is that mental illness affects one in five Americans.¹³⁰ Even as, or perhaps because, mental occupational injuries are becoming more pervasive,¹³¹ there is a reluctance to recognize such injuries as genuine injuries with bona fide consequences.¹³² One need look no further than Minnesota’s courts to

127. *Lockwood*, 312 N.W.2d at 926.

128. *White House Fact Sheet on Myths and Facts About Mental Illness*, U.S. NEWSWIRE, June 5, 1999, available at 1999 WL 4636605.

129. *Id.*

Research in the last decade proves that mental illnesses are diagnosable disorders of the brain...Depression is a diagnosable, treatable illness that affects 19 million adult Americans each year. It is a disorder of the brain that is characterized by serious and persistent symptoms such as changes in sleep, appetite, and energy; cognitive losses such as slowed thinking; and clearly discernible feelings like irritability, hopelessness, and guilt. The severity and duration of depression symptoms are clearly distinguishable from sadness and mood swings that are part of life. When untreated, depression can have serious consequences. Depression is the cause of over two-thirds of the 30,000 American suicides each year, and according to the World Health Organization, it is the leading cause of disability in the United States.

Id.

130. *Id.*

131. *White House Fact Sheet on Myths and Facts About Mental Illness*, U.S. NEWSWIRE, June 5, 1999, available at 1999 WL 4636605; see also Berry, *infra* note 139, at 324 and accompanying text.

132. Cook, *supra* note 7, at 898.

The fact that many mental-mental decisions have questioned whether mental disabilities ‘arise out of’ employment reflects policy concerns over the economic repercussions of allowing such claims and an inherent distrust of psychiatric disability rather than any real belief that employment does not play a causal role in precipitating such disabilities.

Id.

find evidence of this skepticism. Lockwood's mental injuries were not compensated in 1981 but Middleton's may be now¹³³.

Alternatively, there is the belief that mental illnesses cannot be treated¹³⁴ and an employee diagnosed with a mental illness cannot be productive in the workplace, again despite data to the contrary.¹³⁵

3. *Economic Impact Of Mental/Mental Claims*

Another countervailing policy, and perhaps one more often held by employers and insurance companies, is the economic impact of compensating mental/mental injuries. When claims increase, and they will if mental/mental injuries are now compensable, workers' compensation premiums and other ancillary costs will necessarily increase.¹³⁶ Even if a workers' compensation claim is never filed, mental/mental injuries have an economic impact on the employer through lost productivity when a distressed employee develops attendance or behavioral problems.¹³⁷

Competing public policies necessitate balancing differing interests. While the *Middleton* opinion did not indicate whether the court considered the variable interests outlined above, the court's holding came down squarely on the side of policies favoring employees and acknowledging the realities of mental illness. Whether the legislature will act in response remains to be seen.

133. *Lockwood*, 312 N.W.2d at 927; *Middleton*, 600 N.W.2d at 711.

134. *White House Fact Sheet on Myths and Facts About Mental Illness*, U.S. NEWSWIRE, June 5, 1999, available at 1999 WL 4636605. "Research shows that eighty percent of people treated for severe depression and 70 percent of people treated for schizophrenia show positive responses to treatment." *Id.*

135. *Id.*

A 1995 study of the Employment Intervention Demonstration Program run by the Center for Mental Health Services assessed the effectiveness of employment strategies to assist individuals with severe mental illness get and keep employment. It found that 55 percent of individuals receiving such employment support services were working after two years. Clearly, people with severe and persistent mental illnesses want to be employed and productive, and given appropriate treatment and support, they can be.

Id.

136. Safety & Health: Work-Related Fatalities, Injuries Cost Nation \$121 Billion, Council Says, Daily Labor Report, (155 DLR A-9 BNA), Aug. 12, 1997.

137. Kathy L. Woodward, *Healthy Minds, Healthy Bodies*, BUSINESS FIRST OF COLUMBUS, Mar. 31, 2000 at BUSFSTCOL 14A.

B. Workplace Realities

The *Middleton* holding recognized the changing reality of the modern workplace in which employees are experiencing greater stress with less control over those stressors.¹³⁸ The result is increasing mental injuries.¹³⁹

While psychological studies have recognized long recognized the realities of mental/mental work-related injuries,¹⁴⁰ it is not necessarily surprising that Minnesota courts did not recognized them as compensable until *Middleton*. “Each advance in workers’ compensation law which recognizes and compensates a cause or source of employee disability has been met with judicial or statutory resistance and corresponding attempts to limit the extent to which workers’ compensation would be expanded.”¹⁴¹ In overcoming its resistance that began with *Lockwood*,¹⁴² the court has, nearly twenty years later, given substance to what it intuitively knew in 1981. “Undoubtedly, sound medical opinion can often relate mental injury to employment stresses, whether unusual or minor daily stresses.”¹⁴³

C. Mental/Mental Injuries Are Disabling And Should Be Compensable

The holding removed the artificial requirement of an associated physical injury for a mental injury to be compensable. This ar-

138. *Workplace Stress Claims Are Seen As Growing Trend Of Concern To Employers*, 242 DLR C-1(BNA), December 17, 1986 (Positing that the increase in stress-related claims is due to clerical and white collar jobs that are routine and mechanical, and citing a study by Robert Karasek, an associate professor in the Department of Industrial and Systems Engineering at the University of Southern California in Los Angeles, which found that some of the most stressful jobs are those high in psychological demand but low in control over working conditions).

139. Berry, *supra* note 6, at 323 (stating “The American Psychological Association predicts that stress-related injuries will be the most pervasive occupational disease of the 21st century. Mental disorders already rank among the top ten work-related injuries and illnesses in the nation.”); see also *Workplace Stress Claims Are Seen As Growing Trend Of Concern To Employers*, 242 DLR C-1, BNA, December 17, 1986 (citing studies which show insurance claims for mental stress injuries more than doubled between 1980 and 1982 while claims for other disabling work injuries decreased; mental stress claims accounted for 11 percent of all occupational disease claims during the same period.).

140. *Supra* notes 134-135 and accompanying text.

141. Cook, *supra* note 7, at 906.

142. *Lockwood*, 312 N.W.2d at 926 (declining to compensate job-related depression where no physical injury was present).

143. *Id.* at 927.

tificiality is most clearly seen by comparing the holdings of *Lockwood* with *Mitchell v. White Castle Systems, Inc.*¹⁴⁴ and *Ziebarth v. Hubbard Milling*.¹⁴⁵ In *Lockwood*, the court refused to compensate a debilitating mental illness found to be caused by work-related stress.¹⁴⁶ The court reasoned compensation was barred by a lack of clear legislative intent.¹⁴⁷ Conversely, in *Mitchell* and *Ziebarth*, the courts awarded compensation for mental illnesses precipitated by a slapped face¹⁴⁸ and a bruised hip¹⁴⁹, respectively.¹⁵⁰ The *Mitchell* court reasoned compensation was due as the employee's depression was the proximate result of her face being slapped by a customer.¹⁵¹ Nine years later, the *Ziebarth* court held the precipitating physical injury "need not be serious" to award compensation.¹⁵² *Middleton* corrected the strained reasoning that provided redress for mental illnesses triggered by trivial physical injuries but disregarded incapacitating mental-mental injuries.

Despite its proper holding, *Middleton* erred in purporting to leave *Lockwood* untouched.¹⁵³ The factual similarities of *Lockwood* and *Middleton* are striking¹⁵⁴ and, as Justice Stringer's dissent notes, *Middleton* effectively overruled *Lockwood*.¹⁵⁵ The court should have stated unequivocally that *Lockwood* was overruled.

144. 290 N.W.2d 753, 756 (Minn. 1980).

145. 1989 WL 226720, at *3 (Minn. Work. Comp. Ct. App. 1989).

146. *Lockwood*, 312 N.W.2d at 925 (stating "the compensation judge concluded that Lockwood's psychological problems arose out of and in the course of his employment...[t]he Workers' Compensation Court of Appeals affirmed").

147. *Id.* at 926. The court stated "[w]e are unwilling...to construe our statute as affording workers' compensation coverage for mental disability caused by work-related stress without physical trauma because we are unable to determine that the legislature ever intended to provide such coverage." *Id.*

148. *Mitchell*, 290 N.W.2d at 753.

149. *Ziebarth*, 1989 WL 226720 at *1.

150. *But cf.* *Dunn v. U.S. West Communications*, 52 W.C.D. 682, 686 (Minn. Work. Comp. Ct. App. 1995) (declining to compensate post-traumatic stress disorder caused by robbery in which plaintiff sustained a minor wrist injury on grounds injury was an "insufficient physical trauma").

151. *Mitchell*, 290 N.W.2d at 753.

152. *Ziebarth*, 1989 WL 226720 at *3.

153. *Middleton*, 600 N.W.2d at 713 (noting "the majority's holding that now awards coverage clearly overrules *Lockwood* and takes a step we were unwilling to take in *Lockwood*...").

154. *Id.* at 707; see also *Lockwood*, 312 N.W.2d at 925. In *Middleton* and *Lockwood*, both employees incurred severe mental illness as a result of their employment; *Middleton* committed suicide while *Lockwood* did not.

155. *Middleton*, 600 N.W.2d at 713.

VII. CONCLUSION

With *Middleton v. N.W. Airlines*, Minnesota held for the first time that suicide caused solely by work-related stress is a compensable workers' compensation injury. The holding marks a significant departure from previous rulings in which the court declined to compensate mental-mental injuries.

The court's decision was proper in that it recognized public policy interests that hold employers strictly liable for employment injuries; that appreciate the disabling effects of mental illness; and that acknowledge the nature of the stressors present in the modern-day workplace. The decision was also proper in advancing Minnesota to the bar set by other states that compensate suicide caused by work-related mental injuries.
