

PSYCH INJURY FOR WORKERS' COMP – BISAZZA'S CASE

On November 20, 2008, the Supreme Judicial Court handed down an opinion and explains further the psych burden in the term personal injury in the workers' compensation claim. In the Workers' Compensation Statutes c. 152, it generally is that an employee must be compensated if the employee receives a personal injury arising out of and in the course of his employment. c. 153 §26. To employ an emotional or a mental factor in this personal injury as defined in c. 152 §1, this emotional or mental injury is included only if "the predominant contributing cause of such disability is an event or series of events occurring within any employment". c. 152 §1(7A). Despite what the employer argues in this case, the SJC agreed with the Administrative Judge and board that §1(7A) "work-relatedness" standard is no different from the §26 "arising out of" standard.