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**WCCA Overturn Award of Ongoing Benefits for PTSD Injury**

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The WCCA recently addressed when an employer’s liability ends for a compensable PTSD injury. See *Chrz v. Mower County*, slip op., No. WC21-6431 (W.C.C.A. May 9, 2022). In overturning the compensation judge’s award of ongoing benefits, the Court held that an employer’s liability for a compensable PTSD injury ends when the employee no longer meets the specific requirements for a diagnosis of PTSD under Minn. Stat. §\_176.011, subd. 15(d) and the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM). *Id.*

In *Chrz v. Mower County*, the employee worked as a deputy sheriff. In this capacity, he personally witnessed several traumatic events involving co-workers and people he knew in the community. In 2019, the Employee was evaluated by Dr. Nicole Slavik, Ph.D., a licensed psychologist, who diagnosed the employee with PTSD, as a result of exposure to traumatic events while performing his duties as a deputy sheriff.

Despite treatment, the Employee’s condition worsened, and he was unable to perform law enforcement duties. The employee ultimately retired in 2020.

The Employee was re-examined by Dr. Slavik in March of 2021. Dr. Slavik concluded that the employee’s condition had improved, and that he no longer met the diagnostic criteria of PTSD. She changed the employee’s diagnosis from PTSD to “other specified trauma and stress related disorder” caused by the employee’s exposure to the traumatic events while performing his duties as a deputy sheriff. Although the employee was no longer diagnosed with PTSD, Dr.

Slavik testified that he was not cured and that he continued to have symptoms.

At hearing, the compensation judge found that the employee sustained a work-related injury in the nature of PTSD and awarded workers' compensation benefits. The judge further found that from 2021, forward, the diagnosis was "other specified trauma-and stressor-related disorder." The employer appealed to the WCCA.

The issue on appeal was whether the employee, who was diagnosed with PTSD, but no longer met the diagnosis under the statutory criteria, was entitled to ongoing benefits.

On Appeal, the WCCA found that it was reasonable for the judge to conclude that the employee sustained work-related PTSD based on Dr. Slavik's diagnosis. However, the Court noted that in 2021, Dr. Slavik changed that diagnosis to a different condition which was described as "other specified trauma and stressor related disorder." The court went on to explain that, aside from PTSD, mental injuries are not compensable in the absence of a physical injury. Therefore, the condition diagnosed by Dr. Slavik, in 2021, was not a stand-alone mental injury compensable under the Workers' Compensation Act.

The Court concluded that the employee was not entitled to ongoing benefits after 2021, because he no longer had a diagnosis of PTSD and, otherwise, did not have a compensable mental injury.

Take Away: When paying benefits for a compensable PTSD injury under Minn. Stat. § 176.011, subd. 15(d), monitor the employee's re-evaluations for any change in the diagnosis that could affect an employee's entitlement to ongoing workers' compensation benefits.

If you have questions about any workers' compensation matter, please feel free to reach out to myself, or any of the attorneys here at Brown & Carlson.

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