

## Illustrative Workers' Comp Survivors' Claims for Suicide

We provide a sampling of workers' compensation death claims where the claimants' survivors felt the tragic suicides of their family members were causally connected to work injuries. These examples illustrate the reasoning of state workers' comp agencies and state courts. If your loved one suffered through a work-related suicide, you may be eligible for death benefits. A knowledgeable workers' compensation attorney can advise you of your legal rights and your state workers' comp agency can assist you with your application. You should pursue your claim immediately so as not to miss any legal deadlines.

You should view these cases as illustrative but not necessarily controlling in your particular situation. This area of law is evolving and varies widely among the states.

- **Georgia 2006:** Work-related car accident during sales call caused severe tinnitus (constant ear ringing). This condition caused such despair and mental disturbance that worker's suicide was considered unintentional self-injury and death benefits were appropriate.  
*Bayer Corp. v. Lassiter*, 638 S.E.2d 812 (Ga. App. 2006).
- **Wisconsin 2006:** Wisconsin Labor and Industry Review Commission affirmed ALJ decision that death benefits were inappropriate where cause of injured firefighter's suicide was unexplained and unknown. Worker was scheduled for surgery to correct a relatively minor work-related knee injury. Evidence was insufficient that a mental disturbance was caused by or aggravated by the knee injury.  
*Bruce W. Grosz (Dec'd), Applicant c/o Lynn Ann Grosz*, Claim No 2004-020859, 2006 WL 684099 (Wis. Labor & Indus. Review Comm'n Feb. 28, 2006).
- **Colorado 2005:** Sales executive was required to travel extensively domestically and internationally, often working 17-hour days. Colorado Industrial Claim Appeals Office affirmed administrative law judge's death benefit award and findings that severe depression was compensable, resulted from excessive job demands, and caused worker's suicide.  
*Nancy Gordley, Claimant and James Gordley, Deceased*, W. C. No. 4-549-974, 2005 WL 864663 (Colo. Indus. Claim Appeals Office April 8, 2005).
- **Pennsylvania 2002:** Chemist injured his back severely in fall while carrying supplies on steps. Resulting depression and chronic pain led to suicide and benefits to surviving dependents found appropriate.  
*Lead v. W.C.A.B.*, 796 A.2d 431 (Pa. Commw. 2002).
- **New York 1994:** Court affirmed Workers' Compensation Board's denial of death benefits where evidence supported finding that police officer's suicide resulted not from work-related stress, but from non-work-related alcoholism and family stress, including depression from family deaths.  
*Kriete v. Port Authority of New York and New Jersey*, 617 N.Y.S.2d 560 (App. Div. 1994).

- **Pennsylvania 1993:** Following termination from job, salesman was hospitalized for depression and later committed suicide. Court affirmed denial of widow's claim because even though the claimant had an excessive fear of losing his job, loss of employment is a normal working condition.  
*Birenbaum v. W.C.A.B. (English Greenhouse Products Corp.)*, 632 A.2d 1038 (Pa. Commw. 1993).
- **New York 1991:** Court affirmed holding of Workers' Compensation Board that broadcasting company manager's work stress directly caused depression that triggered suicide, even though he had suffered from depression previously. It was also irrelevant that the work stress resulted from a "positive" work change - a promotion.  
*Friedman v. NBC, Inc.*, 577 N.Y.S.2d 517 (App. Div. 1991).