

Bond Case Briefs

Municipal Finance Law Since 1971

WORKERS' COMP - LOUISIANA

Whetstone v. Jefferson Parish School Bd.

Court of Appeal of Louisiana, Fifth Circuit - May 30, 2013 - So.3d - 12-639 (La.App. 5 Cir. 5/30/13)

Claimant appealed a determination of the Office of Workers' Compensation that denied her continued benefits for an alleged mental injury caused by post-traumatic stress related to an assault sustained within the course and scope of her employment.

Upon conclusion of a trial, the workers' compensation court ruled in favor of the school board and dismissed claimant's petition with prejudice. Specifically, the workers' compensation judge did not find claimant to be credible and did not find any merit to her claim. On appeal, claimant asked the court of appeal to reverse the credibility determinations and factual findings of the workers' compensation judge. The court of appeal found no grounds for such a reversal.

To prove entitlement to benefits for a mental injury resulting from mental stress, a claimant must prove that the mental injury was caused by "sudden, unexpected, and extraordinary stress related to employment" and must prove it by clear and convincing evidence.