

Thompson, Adeline

[INJURY \(RCW 51.08.100\)](#)

Psychiatric conditions (mental/mental)

Where a worker returned to a worksite where a hydrochloric acid spill had occurred, experienced a bad taste in her mouth, smelled a particular odor, and developed itchy skin and breathing difficulties, the events following the worker's entry into the workplace sufficed as "occurring from without" as required by RCW 56.08.100. ...***In re Adeline Thompson, BIA Dec., 90 4743 (1992)*** [dissent] [*Editor's Note: The Board's decision was appealed to superior court under King County Cause No. 92-2-17307-7.*]

Scroll down for order.

1 relationship between the claimant's subjective perceptions of exposure and the resulting psychiatric
2 condition prevented acceptance of this claim as an industrial injury pursuant to RCW 51.08.100. We
3 granted review because we disagree with the conclusion that the medical evidence presented by Ms.
4 Thompson did not support her claim for benefits.
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7 A brief summary of the facts is in order. When Ms. Thompson arrived for work at The Boeing
8 Company's Auburn plant at 3:30 p.m. on March 16, 1990, she was directed to park outside of her
9 usual parking area and to wait in the cafeteria with other employees because of a hydrochloric acid
10 spill in the building where she worked. She noted the presence of fire engines and yellow emergency
11 vehicles. At 5:15 p.m. employees were readmitted to the building.
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14 Shortly after she entered the building, Ms. Thompson experienced a bad taste in her mouth,
15 itching, and difficulty breathing. She overheard a co-worker voice a complaint about an odd taste in
16 the air. She was ultimately transported to Harborview Medical Center. She was hospitalized there for
17 several days. Following her release, she continued to suffer from a right arm tremor which has no
18 discernable physical cause. She attributes her continuing physical problems to a conversion disorder
19 arising from the sudden and traumatic event of the apparent chemical exposure or fear of chemical
20 exposure at work. We do note that prior to the alleged industrial injury, Ms. Thompson had a history of
21 a nervous breakdown in 1969 and other significant family stressors including the suicide of a stepson
22 and sexual abuse of a daughter.
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29 As indicated in the Proposed Decision and Order, Ms. Thompson alleged an entitlement to
30 benefits on alternative theories. She contends that she sustained an industrial injury based on actual
31 exposure to hydrochloric acid or upon her perception that she was exposed. Ms. Thompson
32 presented no testimony supporting her allegation that there was any detectable chemical odor in the
33 area where she worked. Instrumentation designed to detect the presence of hydrochloric acid did not
34 detect the presence of the chemical when the area was tested at 5:00 p.m. and at 7:00 p.m. that day.
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39 Therefore there is no support for the claim of actual exposure. A claim for benefits must be supported,
40 if at all, based on her subjective reaction to the events at work on March 16, 1990. Mental/emotional
41 reaction to perceived events may be characterized as a "mental/mental" industrial injury case. That is,
42 a "mental" perception of a sudden and traumatic nature gives rise to or causes a "mental" medical
43 condition. Both the cause and effect are rooted in the individual worker's subjective responses. While
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2 the legislature, in RCW 51.08.142, directed the Department to adopt a rule that excluded mental
3 disabilities based on stress or mental causes as compensable occupational diseases, it did not restrict
4 mental conditions resulting from industrial injuries. Thus, WAC 296-14-300(2) specifically provides
5 that stress resulting from a traumatic event can be an industrial injury.
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9 The Board has previously allowed mental health conditions as industrial injuries. Two of these
10 cases are: In re Daniel R. Heassler, Dckt. No. 89 2447 (November 13, 1990) and In re Robert A.
11 Hedblum, BIIA Dec., 88 2237 (1989). In Hedblum, the claimant suffered an anxiety reaction after he
12 inadvertently deleted an important computer program. The claimant was actively involved as the
13 person responsible for the error. The stressful event was the deletion of the program along with its
14 negative professional and financial consequences. The claim was allowed as an injury. A unanimous
15 Board stated:
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19 While it is apparent from Dr. Langer's testimony that the unfortunate
20 incident of April 18, 1987 acted upon Mr. Hedblum's preexisting
21 psychological makeup, it is equally apparent that under our industrial
22 insurance scheme we must take workers as we find them. See Metcalf v.
23 Dept. of Labor & Indus., 168 Wash. 305, 11 P.2d 821 (1932). Additionally,
24 it is clear that the requirements of proof for an industrial injury are not as
25 stringent under our system as the requirements of proof for an
26 occupational disease. An industrial injury need not arise naturally and
27 proximately out of employment; it must only occur during the course of
28 employment. Proof that an on-the-job incident proximately caused the
29 condition complained of will suffice. Furthermore, the objective
30 corroboration requirements imposed by Favor v. Dept. of Labor & Indus.,
31 53 Wn.2d 698, 336 P.2d 382 (1959) as to mental/mental and
32 mental/physical occupational disease cases, are not applicable to
33 industrial injury cases.
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37 Hedblum, at 6 (Emphasis added). While the Board rejected the objective corroboration
38 element of Favor, it should be clarified that an event that is purely the perception of an individual
39 worker without any basis in fact would fail in proof for lack of proximate cause in that there would be no
40 "sudden and tangible happening, of a traumatic nature, . . . occurring from without . . ." RCW
41 51.08.100 (Emphasis added).
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44 In the present case, there were several events which occurred "from without" that acted upon
45 Ms. Thompson's emotionally fragile state. Although not personally exposed to the scene of a violent
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1 trauma or to any actual danger, she witnessed emergency vehicles and workers in hazardous
2 materials suits in the vicinity of her workplace. She overheard a co-worker complain of a symptom
3 she herself experienced immediately upon entering the building, i.e., an odd odor or taste in the air.
4 Dr. McConnell testified on claimant's behalf that absent actual exposure to the chemical, the mere
5 knowledge of and concern about the spill triggered the conversion reaction. He also considered the
6 "turmoil" at the job site surrounding the apparent spill. Hundreds of workers were diverted to the
7 cafeteria where they waited with incomplete knowledge of the situation. She was among the first shift
8 of workers directed to return to the building where the spill occurred. Her particular work area was
9 physically altered by the closure of a nearby airtight steel door between her work station and the actual
10 location of the spill.
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12 The record indicates that while there was considerable activity in response to the spill, that the
13 events were actually fairly well controlled and orderly. It would be tempting to question the validity of a
14 mental/emotional response that reacted to the spill differently than the common experience of most of
15 the people present. But that is not the basis for our inquiry. As noted in Hedblum and Heassler, we
16 take a worker as we find her and she need only prove that the events, such as they were, proximately
17 caused the condition complained of.
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19 The record also establishes that Ms. Thompson had a volatile emotional life. She was very
20 sensitive to stress. Dr. McConnell, who examined her much closer in time to the chemical spill
21 incident than Dr. Carter, directly related her reaction to the upheaval in the workplace on that specific
22 date. Neither Dr. McConnell nor Dr. Carter was a treating physician in this case, but Dr. Carter had
23 the disadvantage of examining Ms. Thompson after she suffered a later unrelated emotional
24 breakdown and associated hospitalization. Dr. McConnell's conclusion is bolstered by that of Dr.
25 Thiagarajan, the physician who attended her during her stay at Harborview. Although not a
26 psychiatrist, he had the best opportunity to observe and evaluate Ms. Thompson's condition
27 immediately following the onset of symptoms.
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29 The Department order of August 14, 1990 should be reversed and the claim remanded to the
30 Department with direction to allow the claim as an industrial injury.
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32 **FINDINGS OF FACT**

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- 34 3. On March 16, 1990, when Adeline Thompson reported for work at The
35 Boeing Company's Auburn plant, she was prevented from parking in her
36 customary parking area and informed that a hydrochloric acid spill in her
37 assigned building required all employees to wait in the company cafeteria.
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1 Emergency vehicles and workers in hazardous materials suits were
2 visible. Ms. Thompson waited approximately two hours in the cafeteria
3 before being admitted to her usual work station. Her work station was
4 physically altered as a result of the spill in that an airtight door adjacent to
5 her work area was closed to block off the site of the spill. Upon entering
6 the building, Ms. Thompson experienced a bad taste in her mouth,
7 smelled a peculiar odor, had difficulty breathing and began itching.

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9 6. The events surrounding the chemical spill of March 16, 1990 in Adeline
10 Thompson's workplace constituted a sudden and tangible happening of a
11 traumatic nature, and such event produced an immediate and prompt
12 result, diagnosed as a conversion disorder requiring medical treatment.
- 13 4. The order of the Department of Labor and Industries dated August 14,
14 1990 which affirmed the provisions of a prior order dated July 27, 1990
15 which rejected the claim for benefits for injury, accident or occupational
16 disease on the grounds that the claimant's condition is not the result of
17 exposure as alleged and that the claimant's condition is not an
18 occupational disease as contemplated by RCW 51.08.140, is incorrect
19 and is reversed and the claim remanded to the Department with direction
20 to allow the claim for the conversion disorder resulting from an industrial
21 injury.

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23 **CONCLUSIONS OF LAW**

- 24 3. Adeline Thompson's conversion disorder resulted from an industrial injury
25 on March 16, 1990, as defined in RCW 51.08.100.
- 26 4. The order of the Department of Labor and Industries dated August 14,
27 1990 which affirmed the provisions of a prior order dated July 27, 1990
28 which rejected the claim for benefits for injury, accident or occupational
29 disease on the grounds that the claimant's condition is not the result of
30 exposure as alleged and that the claimant's condition is not an
31 occupational disease as contemplated by RCW 51.08.140, is incorrect
32 and is reversed and the claim remanded to the Department with direction
33 to allow the claim for the conversion disorder resulting from an industrial
34 injury.

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36 It is so **ORDERED**.

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38 Dated this 20th day of July, 1992.

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40 BOARD OF INDUSTRIAL INSURANCE APPEALS

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42 /s/
43 S. FREDERICK FELLER Chairperson

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45 /s/
46 FRANK E. FENNERTY, JR. Member

1 **DISSENT**

2 I disagree with the Board majority's view that the more persuasive medical evidence in this
3 case is to the effect that Ms. Thompson suffered a conversion disorder proximately caused by her
4 perception of the events surrounding the chemical spill which occurred at the workplace on March 16,
5 1990. In my view, our industrial appeals judge has properly weighed the conflicting medical evidence
6 on this issue of diagnosis and causation. I concur with the analysis in the Proposed Decision and
7 Order, as set forth from page 5, line 12, through page 7, line 16.
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12 The majority's crucial finding is Finding of Fact No. 6, with which I disagree. Instead, I agree
13 with Proposed Finding No. 6, to the effect that Ms. Thompson has a condition of atypical psychosis
14 and pre-existing personality disorder, which was neither caused nor aggravated by exposure to
15 hydrochloric acid on March 16, 1990 or by her perception that she had been so exposed on that date.
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18 I would affirm the Department's order of August 14, 1990, rejecting this claim.
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20 Dated this 20th day of July, 1992.
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22 /s/
23 PHILLIP T. BORK Member
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