

## APPEAL NO. 93596

This appeal is brought pursuant to the Texas Workers' Compensation Act, TEX. REV. CIV. STAT. ANN. art. 8308-1.01 *et seq.* (Vernon Supp. 1993) (1989 Act). On June 15, 1993, a contested case hearing (CCH) was held in (city), Texas, with (hearing officer) presiding. The sole issue at the CCH was whether or not the appellant (claimant herein) had suffered a compensable mental trauma injury. The hearing officer held that the claimant did not because any mental trauma he suffered was not due to any event traceable to any particular time, place and cause, but his condition resulted from repeated mental pressures over a long period of time, because any request that he correct reports was a legitimate personnel action, and because the condition from which he suffered was an ordinary disease of life. The claimant appeals requesting we review the decision of the hearing officer and arguing that he was unable to trace his mental trauma to any specific event because he did not realize that he was suffering from a mental stress disorder until the repeated pressures and demands of his employment had already caused a number of symptoms which could be recognized as a mental stress disorder. Respondent, the County a statutorily self-insured political subdivision (carrier herein), replies that the decision of the hearing officer should be upheld.

### DECISION

Finding no reversible error in the record and sufficient evidence to support the decision of the hearing officer, we affirm.

Claimant testified that he was a sergeant at the County Jail and had been employed at the jail for 18 years. He stated that beginning two years ago when confronted with any type of decision or stressful event he experienced symptoms which included fear, dizziness, heart palpitations, perspiration and the inability to concentrate. The claimant testified that in January of 1993 his supervisor returned five reports for him to redo and he became so anxious he could not do his work, even though the supervisor merely placed the reports in a box and did not personally confront the claimant concerning the reports.

The claimant sought medical treatment for his anxiety disorder on February 9, 1993, and was hospitalized the following day. The claimant testified that he had been unable to return to work and that his doctors had not yet released him to return to work.

Repetitive mental trauma is not recognized as a compensable injury under the Texas Workers' Compensation law. See *generally* Transportation Insurance Co. v. Maksyn, 580 S.W.2d 334 (Tex. 1979); Jackson v. Liberty Mutual Insurance Co., 580 S.W.2d 70 (Tex. Civ. App.-El Paso 1979, writ ref'd n.r.e.); Olson v. Hartford Accident and Indemnity Co., 477 S.W.2d 859 (Tex. 1972); Texas Workers' Compensation Commission Appeal No. 92149, decided May 22, 1992. In the present case, the testimony of the claimant at the hearing as well as the statements in his request for review clearly show that the claimant is alleging a repetitive mental trauma. His anxiety arose as he states in his request for review "from repeated mental pressure and demands expected from me during the time of employment."

As such it was not traceable to a definite, time, place or cause. See Maksyn supra; Texas Workers' Compensation Commission Appeal No. 93364, decided June 24, 1993. In fact, the only discrete event to which the claimant attributes mental stress is when his supervisor placed the reports in his box to be redone. The claimant admitted in his testimony that the reports needed revision and that he was in no way confronted by his supervisor concerning the reports. The action of the supervisor in returning the flawed reports for correction was not found by the hearing officer to be the cause of claimant's condition and we do not believe that the evidence would have supported such a finding.

While it is generally recognized that some mental conditions can be just as serious as a physical illness, the law clearly excludes the claimant's condition as non-compensable.

The decision of the hearing officer is affirmed.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Stark O. Sanders, Jr.  
Chief Appeals Judge

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Thomas A. Knapp  
Appeals Judge