UPS driver who found murder scene is eligible for workers' comp

A UPS driver came upon the worst when he stopped for a delivery on his usual route. Inside the home, he found a 65-year-old woman lying on the floor with a fatal gunshot wound to her face. He cried and threw up while waiting for emergency responders to arrive. A month later, the driver filed for workers' compensation for post-traumatic stress disorder.

The workers' compensation commission in Virginia, where the case occurred, ruled that the murder scene was so shocking and unexpected that the man was eligible for benefits for PTSD. UPS appealed "" arguing that the driver had only seen the body briefly and that it was not the kind of sudden shock or fright that would qualify a worker for benefits based on psychological injuries.

Workers' compensation benefits are more challenging to obtain for psychological injuries such as PTSD. But benefits are possible "" particularly with the right evidence.

In this case, the Virginia Court of Appeals upheld the workers' compensation commission's decision. As evidence of the horrific scene and the shock the worker felt, the court cited the worker's testimony that the woman had bullet wounds and shrapnel in her face, that he cried when he saw her and threw up while waiting for emergency responders.

Workers' comp for mental distress due to violence is also possible in Pennsylvania. As in Virginia, however, these claims are harder to prove. They require skilled investigations and an experienced attorney who understands how to develop a compelling case for compensation. For more information, see our page on workplace violence.

Source: Courthouse News Service, “Murder Scene Find Nets UPS Driver PTSD Benefits,” Jeff D. Gorman, Sept. 29, 2014