

2/27/14 – PA Supreme Ct: Liquor Store Robbery Injury NOT Normal Working Condition

An alert on the PA Supreme Court Decision vacating a 2011 Commonwealth Court decision halting Workers' Compensation payments to former liquor store manager Greg Kochanowicz March 11, 2014

(Philadelphia, PA) – The Supreme Court of Pennsylvania has vacated a [2011 Commonwealth Court decision](#) and reinstated the earlier decision of a trial court judge who determined that the Post-Traumatic Stress Disorder (PTSD) suffered by the manager of a Pennsylvania Liquor Store during a robbery is, in fact, a compensable work injury and not the result of a “normal working condition.” As a result, [Martin Law](#) client Greg Kochanowicz will receive retroactive pay and await a new decision from the Commonwealth Court.

Kochanowicz, a manager of a Bucks County liquor store, had worked for the Pennsylvania Liquor Control Board (LCB) for approximately 30 years when the store was robbed at gunpoint in April, 2008. During the robbery, Kochanowicz had a gun pointed to the back of his head, was bound with duct tape and suffered PTSD as a result. Unable to return to work, he filed for total disability benefits. However, in 2011, following the LCB's appeal of the compensation claim, the Commonwealth Court disagreed with an earlier judge's decision and halted Kochanowicz's benefits saying that the robbery was “normal” for his job.

“Obviously, we didn't agree with that decision,” said [Al Carlson](#), attorney for Greg Kochanowicz. “This is not someone in the armed forces or law enforcement who understands that danger is a risk every day at work. This is someone who did

his job for 30 years without incident, then faces a single terrifying, life-threatening occurrence at that job. This is absolutely not a normal working condition. If you deny this man the means to get the medical help he needs how can he return to *any* job?"

This decision comes on the heels of *Payes v. Workers' Compensation Appeal Board (Commonwealth Pa. State Police)* on 11/4/13, where a state police officer's claim for workers' compensation for PTSD after he hit and killed a woman with his patrol car was also found valid after the Commonwealth Court previously denied the claim. The court found that the specific stressor the officer had encountered that caused the PTSD was not a normal one for his job.

The Commonwealth Court will now re-review the Kochanowicz case and issue a new decision on the matter.