

## Woolnough, Ann

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### OCCUPATIONAL DISEASE (RCW 51.08.140)

#### Psychiatric conditions (mental/mental)

For a worker to establish an occupational disease claim based on mental stress (1) the stress must be objectively corroborated, not just a product of the worker's own subjective perceptions; (2) the stress must be a requirement or condition of the worker's employment, not just a condition occurring coincidentally at work; (3) the stress must arise out of and in the course of employment; (4) the stress must be different from the stress attendant to normal everyday life and all employments in general, i.e., the stress must be unusual; and (5) the stress must be a cause of the worker's psychiatric condition in the sense that, but for the workplace stress, the worker would not be suffering from the psychiatric condition or disability. [Post-*Dennis*; pre-WAC 296-14-300.] ...***In re Ann Woolnough, BIIA Dec., 85 2816 (1990)***

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**BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS  
STATE OF WASHINGTON**

1     **IN RE: ANN WOOLNOUGH**                     )     **DOCKET NO. 85 2816**  
2   )  
3   )     **FURTHER DECISION AND ORDER ON**  
4     **CLAIM NO. S-759286**                     )     **REMAND FROM SUPERIOR COURT**  
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6     **APPEARANCES:**

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8             Claimant, Ann Woolnough, by  
9             H. Frank Stubbs, per  
10            William L. Shaffer

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12            Employer, Tacoma School District, by  
13            Kane, Vandenberg, Hartinger and Walker, per  
14            James Verellen, Darrell B. Addington, and Darija Lovrin, Claims Administrator

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16            This is an appeal filed by the claimant on October 1, 1985 from an order of the Department of  
17     Labor and Industries dated August 6, 1985 which adhered to the provisions of an order dated March  
18     27, 1985. That order rejected the claim for the reasons that there was no proof of a specific injury at a  
19     definite time and place in the course of employment; that the condition was not the result of an  
20     industrial injury as defined by the industrial insurance laws; and that the condition was not an  
21     occupational disease. **AFFIRMED.**

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25   **PROCEDURAL HISTORY**

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27            On January 21, 1987 a Proposed Decision and Order was entered, sustaining the Department  
28     order of August 6, 1985. On March 30, 1987 this Board entered an Order Denying Petition for Review  
29     filed by the claimant on March 16, 1987 in response to the January 21, 1987 Proposed Decision and  
30     Order. On April 27, 1987 the claimant appealed to the Superior Court for Pierce County. Pursuant to  
31     an order upon stipulation of parties entered in the Superior Court for Pierce County on March 20,  
32     1989, this matter was remanded to the Board with direction to reconsider the record developed at the  
33     original hearings in this matter and issue a new Decision and Order which fully considers changes in  
34     the applicable law to this case, to wit, Dennis v. Dept. of Labor & Indus., 109 Wn.2d 467 (1987). The  
35     Superior Court order was received at the Board on May 25, 1989.

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39   **DECISION**

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41            Although this case was originally tried on the basis that Ms. Woolnough suffered either from an  
42     industrial injury or an occupational disease, we interpret the remand from Superior Court as limiting  
43     our reconsideration to the question of whether Ms. Woolnough suffers from an occupational disease.  
44     The Superior Court remand clearly directs the Board to reconsider its decision based on the Dennis  
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1 decision, supra, which decision had no impact on the law relating to the definition of an industrial  
2 injury. Therefore we stand by our earlier determination that Ms. Woolnough did not sustain an  
3 industrial injury, and our discussion of the evidence and law will be restricted to that which is  
4 necessary to a proper analysis of whether Ms. Woolnough suffers from an occupational disease.  
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7 Ann Woolnough was 40 years old at the time of her hearing in July of 1986. Since her  
8 graduation from high school in 1963 she has worked in a variety of occupations. In 1975 she began  
9 her employment with the Tacoma School District in skilled clerical positions. In December of 1982 she  
10 was promoted to the position of Accounting Technician 3 in the business office. This job included  
11 responsibilities with the revolving fund account, advance travel fund account, copy center order forms,  
12 and all the accounting for the copy center, including withdrawals and invoices. Ms. Woolnough  
13 testified that, in her perception, after her promotion her work immediately became very stressful. She  
14 testified that she was required to work through her breaks, shorten her lunch hours, work an inordinate  
15 amount of overtime, and at times sneak work out of the office to be completed at home.  
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21 Ms. Woolnough indicated that she experienced additional stress when her supervisor told her  
22 that a state auditor would be coming in and that she would need to get everything cleared up for the  
23 audit. Ms. Woolnough also felt that she had been given additional work relative to federal funding and  
24 had been asked to develop a work study program. She testified that the circumstances became  
25 increasingly stressful. Ms. Woolnough then described an incident occurring on December 14, 1984  
26 which she felt precipitated her having to leave her job in February of 1985.  
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30 Ms. Woolnough was the president-elect of the Professional and Technical Employees  
31 Association, a voluntary labor union position which was not a required part of her job duties as an  
32 Accounting Technician 3. As she described it, the president of the Association had asked her to  
33 distribute some salary information to union members, which resulted in an acrimonious exchange of  
34 words at a school board meeting on December 13, 1984 between the superintendent and the  
35 president of the Association. The following day she recalls the superintendent coming by her office  
36 and "glaring" at her, after which he met with the business manager and then left the building. She felt  
37 that this created a great degree of anxiety and on the afternoon of December 14, 1984 she began  
38 experiencing heart palpitations. While she was experiencing palpitations, her supervisor walked into  
39 her office and went to a filing cabinet and then left the room, without noticing that Ms. Woolnough was  
40 having difficulty breathing, was not able to respond verbally, and was slumped over.  
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1 The employer presented several lay witnesses, including Delores Olson, the claimant's  
2 supervisor, and Nicholas Shaefer, business manager for Tacoma School District. Ms. Olson's  
3 testimony did not corroborate Ms. Woolnough's testimony concerning her working conditions. Ms.  
4 Olson had no recollection of an occurrence on December 14, 1984. She did corroborate that Ms.  
5 Woolnough worked significant overtime in 1983 for the months of June, July, and August, and in July  
6 and October of 1984. However, somewhat contradicting the testimony of Ms. Woolnough, she  
7 indicated that Ms. Woolnough's workload was no different from that of the other Accounting  
8 Technician 3's working under Ms. Olson; that Ms. Woolnough's job description did not change over the  
9 two years that she had worked there; that there were five people working in payroll; and that additional  
10 job duties, if any, did not occur during the time that Ms. Woolnough testified her stress became so  
11 great that she had to quit work. According to Ms. Olson, the job stresses required by Ms.  
12 Woolnough's position were no different from those experienced by the other Accounting Technician  
13 3's working under Ms. Olson.

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21 In addition, Ms. Olson said that the federal problems were not assigned to Ms. Woolnough and  
22 that because Ms. Woolnough was falling behind in her work, Ms. Olson approved the overtime. She  
23 did not consider reassigning the work because Ms. Woolnough was not fulfilling all the duties required  
24 of her job description at that time. This is in direct contradiction to the testimony of Ms. Woolnough,  
25 who asserts she was taking on additional duties.

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28 Nicholas Schaefer, Business Manager for Tacoma School District, recalled the meeting when  
29 the superintendent and the president of the Professional & Technical Employees Association had  
30 exchanged angry words, but noted that Ms. Woolnough was not the focus of the superintendent's  
31 anger. He did not recall any incident occurring between the superintendent and Ms. Woolnough on  
32 December 14, 1984.

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35 Dr. Dennis Wight, an obstetrician and gynecologist, began treating Ms. Woolnough in April of  
36 1981, when he performed a hysterectomy. He referred Ms. Woolnough to Dr. Przanyski for an  
37 endocrinology workup and indicated that throughout her treatment he thought that she manifested  
38 symptoms of depression.

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41 Ms. Woolnough was treated by Edward Przanyski, M.D., an internist specializing in  
42 endocrinology and problems of metabolic systems, from January of 1983 through July 1986. During  
43 this period of treatment, he diagnosed her conditions as hypothyroidism; mitral valve prolapse, which  
44 was symptomatic and required therapy at times over the past couple of years; spastic colitis and  
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1 chronic bowel dysfunction; and stress, anxiety, and depression, "which has been probably the major  
2 problem over the past two years." 7/22/86 Tr. at 54. Dr. Przanyski noted that claimant's conditions  
3 were preexisting and symptomatic for the entire time of his treatment. The symptoms would wax and  
4 wane, but never became completely asymptomatic.  
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7 Dr. Przanyski saw claimant on December 18, 1984 and felt that:

8 something obviously happened to Ann in those previous five days or at  
9 some point in those previous five days which resulted in a serious  
10 deterioration in her status healthwise from my point of view. And some  
11 such incident certainly could have precipitated her deterioration. Whether  
12 we call it a mental or nervous breakdown I don't even know if that is a  
13 specific diagnosis, but she did have a deterioration of her health that dates  
14 from about that time. The incidents probably were specifically reported to  
15 my nurse but we make it a practice not to put things like that in our records  
16 because a lot of people have access to records who have no business  
17 reading that kind of information.  
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20 7/22/86 Tr. at 57-58. Claimant's counsel then asked him the following question:  
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22 Do you have an opinion based on a reasonable medical probability if there  
23 is a causal relationship between the diagnoses that you have stated  
24 specifically with reference to anxiety and depression and the assumed  
25 incident which occurred on 12/14/84?  
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27 7/22/86 Tr. at 58. The following exchange ensued:  
28

29 A. Yes, I do.

30 Q. What is that opinion?

31 A. My opinion would be that those events, whatever they were,  
32 resulted in a serious deterioration in Ann's health primarily with  
33 regard to her anxiety and depression. But spastic colon, abdominal  
34 problems, and her mitral valve prolapse. I would add to that that it  
35 is on the basis of that that I recommended that she leave her job.  
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38 7/22/86 Tr. at 58-59.

39 Myron Kass, M.D., a certified specialist in psychiatry, performed a psychiatric evaluation of the  
40 claimant on December 3, 1985. He diagnosed a mixed personality disorder with anxiety, passive  
41 dependent features, and emotionally traumatic features in her childhood growth and development.  
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44 He also felt Ms. Woolnough suffered from a major depressive disorder, single episode, as a  
45 result of both exogenous and endogenous  
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1 factors. The exogenous or external factors were the stress factors at her job, which Dr. Kass felt were  
2 at their worst in 1982 and 1983. According to Dr. Kass, claimant's depression became very severe  
3 during those years.  
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5 Primary among the job stresses, according to Dr. Kass, was conflict with a co-worker. Claimant  
6 also related the events of December 13 and December 14, 1984 to Dr. Kass and he felt that they  
7 played a role in her depression.  
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10 In addition, Dr. Kass felt that Ms. Woolnough had a genetic tendency for endogenous  
11 depressions. He also detailed certain endogenous, i.e. internal, factors contributing to her depression,  
12 in particular biochemical imbalances caused by claimant's preexisting hypothyroidism and the  
13 hysterectomy surgeries which were performed in 1981 and 1982.  
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16 Dr. Kass described the claimant variously as having a fragile personality susceptible to stress  
17 and as having excellent coping skills. What is quite apparent from his testimony is that he had little  
18 notion of what claimant's particular job duties were. It is apparent, as well, that he did not understand  
19 the events of December 13 and December 14, 1984 as perceived through claimant's eyes.  
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22 It is clear from claimant's testimony that she felt her activities as president-elect of the  
23 Professional and Technical Employees Association had caused the superintendent to be angry at her  
24 and glare at her on December 14, 1984. Yet Dr. Kass asserted in his testimony that claimant's union  
25 role was not particularly stressful, although at the same time he agreed that she perceived the position  
26 as unpopular. He also attributed claimant's worst depression to the years 1982 and 1983, prior to the  
27 events of December 1984. This is, of course, contrary to both Dr. Przanyski's and claimant's  
28 testimony. Thus, not only is Dr. Kass's testimony internally inconsistent, but it also conflicts with  
29 claimant's and Dr. Przanyski's testimony.  
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34 Douglas Robinson, M.D., a psychiatrist, examined Ms. Woolnough on July 7, 1985. In his  
35 mental status examination he found the claimant appeared to be depressed, anxious, and agitated,  
36 with signs of depression. He diagnosed panic disorder with sudden episodes of extreme anxiety and  
37 physical symptoms and major depression. He did not relate either of these conditions to her work and  
38 considered her condition to be preexisting and symptomatic. He did admit that claimant's condition  
39 worsened after December 14, 1984, but felt the alleged incident involving the superintendent did not  
40 trigger a nondisabling condition into a disabling condition. In Dr. Robinson's opinion the stressful  
41 circumstances Ms. Woolnough reported were charged with her affect and probably represent distorted  
42 views of occurrences. Her depression and panic attacks also further enabled her to distort current  
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1 experiences. Finally, Dr. Robinson stated his belief that, excluding "the filtering process that she  
2 imposed on her understanding of what happened to her," the incidents claimant described were not  
3 qualitatively or quantitatively different from stresses existing in other occupations or non-employment  
4 life. He noted that claimant had had panic attacks before on a weekly basis and that nothing external  
5 triggered the panic attack on December 14, 1984. In other words, it was not the superintendent  
6 "glaring" at the claimant that triggered the panic attack on December 14, 1984. Rather, something  
7 happened internally to trigger that attack.  
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11 As indicated above, the hearings judge concluded that the claimant had not sustained an injury  
12 within the meaning of RCW 51.08.100 and the Superior Court has not directed us to review that  
13 determination. In analyzing the evidence, it seems clear that Ms. Woolnough's belief that the  
14 superintendent was angry at her and glared at her was seriously affected by her preexisting,  
15 symptomatic psychiatric conditions and not caused by the actions of her employer. There is nothing in  
16 the record to establish that disciplinary action was taken against the claimant for her distribution of the  
17 salary information in December 1984, nor were there any words said to reflect displeasure with her  
18 work performance, nor is it established that she had to perform an unusually burdensome quantity of  
19 work. The medical evidence clearly establishes that she was experiencing depressive type  
20 symptomatology before her promotion to Accounting Technician 3. Due to Ms. Woolnough's  
21 preexisting condition, she interpreted events differently from the way they actually occurred. This is  
22 clear from the testimony of Ms. Olson and Mr. Schaefer, which does not corroborate Ms. Woolnough's  
23 subjective perceptions of the conditions of her employment.  
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27 The Superior Court has asked that we evaluate this case under the Supreme Court's rationale  
28 set forth in the Dennis decision. That decision does not change the outcome here. Ms. Woolnough,  
29 like any claimant asserting a claim for an occupational disease, must show that the condition alleged  
30 arose naturally and proximately out of, and in the course of, employment. In our view, Ms. Woolnough  
31 has proven neither.  
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35 Dennis involved particular work-related repetitive physical trauma which rendered preexisting  
36 osteoarthritis in the worker's wrists disabling. The present appeal involves the contention that mental  
37 stressors produced a mental disability with some physical manifestations.  
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41 Dennis requires a worker to prove:  
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44 . . . that his or her occupational disease came about as a matter of course  
45 as a natural consequence or incident of distinctive conditions of his or her  
46 particular employment. The conditions need not be peculiar to, nor unique  
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1 to, the worker's particular employment. Moreover, the focus is upon  
2 conditions giving rise to the occupational disease, or the disease-based  
3 disability resulting from work-related aggravation of a nonwork-related  
4 disease, and not upon whether the disease itself is common to that  
5 particular employment. The worker, in attempting to satisfy the "naturally"  
6 requirement, must show that his or her particular work conditions more  
7 probably caused his or her disease or disease-based disability than  
8 conditions in everyday life or all employments in general; the disease or  
9 disease-based disability must be a natural incident of conditions of that  
10 worker's particular employment. Finally, the conditions causing the  
11 disease or disease-based disability must be conditions of employment,  
12 that is, conditions of the worker's particular occupation as opposed to  
13 conditions coincidentally occurring in his or her workplace.  
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15 Dennis, at 481.

16 In a case involving the allegation that mental stressors caused a psychiatric or physical  
17 disability, Favor v. Dep't of Labor & Indus., 53 Wn.2d 698 (1959) also applies. See, e.g., In re  
18 Cleveland Williams, Dckt. No. 87 0892 (July 18, 1988); In re Orville Swartz, Dckt. No. 86 0004 (August  
19 15, 1988). Thus, we must look to both the Favor and Dennis decisions in analyzing the facts of this  
20 appeal.  
21

22 Favor involved the allegation that on-the-job mental stressors had caused a heart attack. The  
23 court held that the causal relationship between an alleged occupational disease and conditions of  
24 employment cannot be established on a purely subjective basis. In addition, for a stress-related  
25 condition to be compensable as an occupational disease, it must be caused by employment conditions  
26 which occur outside of the worker. A psychiatric condition caused solely by the worker's subjective  
27 perceptions which, by their very nature, can only exist within the worker, cannot be said to arise out of  
28 employment. As the court noted in Favor: "statements by a claimant as to purely subjective  
29 conditions, peculiar to himself, do not provide the objective circumstances necessary to establish that  
30 a claimant's disease arose naturally and proximately from his employment." Favor, at 704-705. Under  
31 Favor and Dennis, therefore, a psychiatric condition caused by a worker's subjective perceptions of  
32 work events cannot constitute a compensable occupational disease pursuant to RCW 51.08.140.  
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34 Favor and Dennis read together impose the following requirements in a stress claim such as  
35 this: (1) The stress must be objectively corroborated, not just a product of the worker's own subjective  
36 perceptions; (2) the stress must be a requirement or condition of the worker's employment, not just a  
37 condition occurring coincidentally at work; (3) the stress must arise out of and in the course of  
38 employment; (4) the stress must be different from the stress attendant to normal everyday life and all  
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1 employments in general, i.e., the stress must be unusual; and (5) the stress must be a cause of the  
2 worker's psychiatric condition in the sense that, but for the workplace stress, the worker would not be  
3 suffering from the psychiatric condition or disability.  
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6 What we have here is Ms. Woolnough's subjective perception that the superintendent was  
7 angry with her for her role as a union official in distributing salary information, her belief that he had  
8 "glared" at her, and her belief that her supervisor had deliberately ignored her distress. In addition,  
9 Ms. Woolnough subjectively perceived that she had additional job duties and responsibilities.  
10 However, these perceptions were not corroborated and in fact were contradicted by the more  
11 believable testimony of Ms . Olson and Mr. Schaefer. It is quite clear, in fact, that the stressors alleged  
12 by the claimant came from within, not from without. Ms. Woolnough certainly has not shown the  
13 existence of any unusual on-the-job stress. Ms. Woonough's job entailed no more than the ordinary  
14 stresses associated with all employments and non-employment life. Furthermore, since the job stress  
15 was a product of her own subjective perceptions and not objectively corroborated as required by  
16 Favor, neither her depression nor any disability attributable to that depression can be said to have  
17 arisen naturally and proximately out of her employment. The Department order of August 6, 1985  
18 must therefore be affirmed.  
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### 25 **FINDINGS OF FACT**

- 26  
27 1. On March 20, 1985 a report of accident was filed with the Department of  
28 Labor and Industries alleging an industrial injury to the claimant on March  
29 11, 1985 during the course of her employment with Tacoma School  
30 District No. 10. On March 27, 1985 the Department issued an order  
31 rejecting the claim because there was no proof of a specific injury at a  
32 definite time and place in the course of employment; the condition was not  
33 the result of an industrial injury as defined by the industrial insurance laws;  
34 and the condition was not an occupational disease. On April 1, 1985 a  
35 protest and request for reconsideration was filed on behalf of the claimant  
36 and the Department issued an order holding the prior order of March 27,  
37 1985 in abeyance. On August 6, 1985 the Department issued an order  
38 adhering to the provisions of the prior order dated March 27, 1985 and on  
39 October 1, 1985 the Board of Industrial Insurance Appeals received a  
40 notice of appeal filed on behalf of the claimant. On October 11, 1985 the  
41 Board issued an order granting the appeal, assigning it Docket No. 85  
42 2816, and directing that proceedings be held on the issues raised in the  
43 appeal.  
44

45 On January 21, 1987 a Proposed Decision and Order was entered,  
46 sustaining the Department order of August 6, 1985. On March 30, 1987  
47 this Board entered an Order Denying Petition for Review filed by the  
claimant on March 16, 1987 in response to the Proposed Decision and

1 Order. On April 27, 1987 the claimant appealed to the Superior Court for  
2 Pierce County. Pursuant to an order upon stipulation of parties entered in  
3 the Superior Court for Pierce County on March 20, 1989, this matter was  
4 remanded to the Board with direction to reconsider the record developed  
5 at the original hearings in this matter and issue a new Decision and Order  
6 which fully considers changes in the applicable law to this case, to wit,  
7 Dennis v. Dep't of Labor & Indus., 109 Wn.2d 467 (1987). The Superior  
8 Court order was received at the Board on May 25, 1989.

- 9
- 10 2. Since at least 1981, the claimant has suffered from conditions diagnosed  
11 as hypothyroidism, mitral valve prolapse, spastic colitis, chronic bowel  
12 dysfunction, stress, anxiety, depression, and panic disorder. In 1981 and  
13 1982 she underwent two hysterectomy surgeries. Because of the  
14 hypothyroidism and the hysterectomy surgeries, she suffers from  
15 biochemical imbalances.
- 16 3. Claimant has been employed by the Tacoma School District since 1975.  
17 In December of 1982 she was promoted to the position of Accounting  
18 Technician 3 in the business office. Her job duties were the same as  
19 those of other Accounting Technician 3's. There was no unusual stress  
20 associated with Ms. Woolnough's work for the Tacoma School District.
- 21 4. In her capacity as the president-elect of the Professional and Technical  
22 Employees Association, claimant distributed salary information to the  
23 professional staff of the Tacoma School District in December 1984 at the  
24 request of the president of the Association. At a meeting held on  
25 December 13, 1984, the superintendent of the School District and the  
26 president of the Association exchanged angry words because of the  
27 distribution of this information. Claimant was not the focus of the  
28 superintendent's anger. The next day, when the superintendent looked at  
29 her, claimant subjectively interpreted that look as an angry glare. It was  
30 claimant's subjective impression that her supervisor deliberately ignored  
31 her distressed reaction to what she perceived as the superintendent  
32 glaring at her. In fact, the supervisor was unaware of her reaction.
- 33 5. None of the conditions listed in Finding of Fact No. 2 was caused or  
34 aggravated by a specific incident or event occurring from without, at a  
35 definite time and place during the course of claimant's employment with  
36 the Tacoma School District.
- 37 6. Ms. Woolnough's subjective perceptions of workload and interpersonal  
38 relationships with management were factors contributing to her stress,  
39 anxiety, depression, and panic disorder. Ms. Woolnough's subjective  
40 perception of work events was caused not by the events themselves but  
41 by her underlying nonwork-related anxiety and depressive traits. The  
42 conditions of Ms. Woolnough's employment with the Tacoma School  
43 District were not unusually stressful. Ms. Woolnough encountered no  
44 more than the ordinary stresses associated with all employment and  
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1 non-employment life during the course of her employment with the  
2 Tacoma School District.

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4 **CONCLUSIONS OF LAW**

- 5 1. The Board of Industrial Insurance Appeals has jurisdiction over the parties  
6 and the subject matter to this appeal.  
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8 2. Claimant did not sustain an industrial injury during the course of her  
9 employment with the Tacoma School District in December 1984 within the  
10 meaning of RCW 51.08.100.  
11  
12 3. Ms. Woolnough's stress, anxiety, depression, and panic disorder and  
13 physical manifestations did not arise naturally and proximately out of and  
14 in the course of her employment with the Tacoma School District and are  
15 not occupational diseases within the meaning of RCW 51.08.140.  
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17 4. The order of the Department of Labor and Industries dated August 6, 1985  
18 adhering to the provisions of a prior Department order dated March 27,  
19 1985 rejecting the claim for the reasons that there was no proof of a  
20 specific injury at a definite time and place in the course of employment; the  
21 condition was not the result of an industrial injury as defined by the  
22 industrial insurance laws; and that the condition was not an occupational  
23 disease, is correct and should be affirmed.

24 It is so ORDERED.

25 Dated this 10<sup>th</sup> day of January, 1990.

26 BOARD OF INDUSTRIAL INSURANCE APPEALS

27  
28 /s/ \_\_\_\_\_  
29 SARA T. HARMON Chairperson

30  
31 /s/ \_\_\_\_\_  
32 PHILLIP T. BORK Member