

WHEN ARE EMPLOYEE FALLS COMPENSABLE?

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When an employee falls at work and is injured, there are situations in which the cause of the fall is unclear, for example when an employee faints. In those situations, a question arises as to whether any injuries that the employee sustained in the fall both occurred in the course of and arose out of employment. Generally, in Iowa, an injury that occurs on the employer's premises during the employee's hours of employment is almost always considered "in the course of employment." The real question will be whether the injury arose out of employment.

Injuries that occur in the course of employment do not necessarily arise out of that employment. The term "arising out of" refers to the cause and origin of the injury. In order to be compensable, the employee must prove that a causal connection exists between the conditions of the employment and the injuries sustained. The injury must not have coincidentally occurred while at work, but must in some way be caused by or related to the working environment or the conditions of employment. It must be a "rational consequence of a hazard connected with the employment."

When an employee falls at work, there are times when the reason why the employee fell is not immediately clear. Sometimes, the reason the employee fell is clear, for example when an employee faints. Then the question becomes, "why did the employee faint?" Did the fainting episode arise from employment? If not, what if the employee was injured while falling? Does that mean that the injury from the fall is compensable even if the fainting episode is not? What if the employee simply tripped over her own feet?

These questions are difficult to answer, even for the Iowa Supreme Court. However, a good place to start is to classify the fall as either idiopathic or unexplained. This classification will help determine compensability.

1. IDIOPATHIC

- a) An idiopathic injury or condition is one that manifests itself without being precipitated by any trauma attributable to the employment. The origin is a physiological weakness, defect, or abnormality found within the employee.
- b) An idiopathic fall, then, is when the employee falls, and the cause of the fall is known to be “distinctly personal” to the claimant.
- c) Risks that are distinctly personal to the claimant include things such as:
 - i) Heart attacks;
 - ii) Strokes;
 - iii) An attack on the employee from a personal enemy;
 - iv) The employee’s use of personal medications.
- d) Injuries from an idiopathic fall are generally not compensable unless:
 - i) The employment contributes to the risk. This means that some employment related factor caused or precipitated the personal medical condition that resulted in the fall in part.

OR

- ii) The employment aggravates the injury. In other words, the effects of the fall were made worse by the employment. This happens when the employment put the employee in a position that increased the dangerous effects of the fall. For example:
 - * The employee fell from a height or in a stairwell;
 - * The employee was working near machinery or sharp edges;
 - * The employee struck something on the way down, such as a wall, counter, or other fixture or work structure.
- e) In these cases, the employer is only liable for the portion of the injury resulting from the trauma produced by the workplace - not for the underlying idiopathic condition itself. The burden of proof for that apportionment rests upon the employer.

- f) An injury from a trauma superimposed on a pre-existing condition is considered an aggravation of a pre-existing condition, not an idiopathic injury.
- g) Idiopathic falls onto level surfaces generally are not compensable, although it is possible if the floor is concrete or hard and injures the employee.

2. **UNEXPLAINED**

- a) An unexplained injury is one for which the cause cannot be identified.
- b) An unexplained fall is neither due to a risk distinctly personal to the claimant nor employment related in character. As such, it is due to a “neutral factor.”

Examples of neutral factors include:

- i) Stray bullets;
 - ii) An attack on an employee by an insane co-worker;
 - iii) Unexplained falls (even when walking or standing on a flat surface);
 - iv) Weather-related events, including extreme heat or cold.
- c) Injuries from unexplained falls are generally compensable. The reasoning is that the work connection may be weak, but it is stronger than any known personal connection. As such, in the absence of proof of a cause personal to the employee, the cost of an accidental injury suffered while in the course of employment should be born by the employer, not the worker or his or her family.
 - d) The employer has the burden to prove the cause of an injury or fall was personal to the employee (idiopathic), rather than unexplained.

3. **CASE SUMMARIES**

The following summaries are just a few examples of how these situations have recently been handled:

- a) *Curl v. University of Iowa Hospitals and Clinics*, File Nos. 5014976; 5014977, (Arb. Dec., June 1, 2007).

Claimant was employed as an administrative assistant in the English department at the University of Iowa. On the date of injury, she arrived at work at about 8:00 am. She was

generally the first person to arrive. Claimant went about her normal morning routine, which included picking up faxes from the fax machine, bringing drinking water to her desk, checking the printer and copy machine for paper, checking her voice mail, and tidying the office. After she completed these tasks, claimant decided to water the six orchid plants that she had previously brought to the office and displayed in her workspace. The deputy noted that claimant and her coworkers admired the plants, and many coworkers had commented on the beauty of the orchids. The deputy stated that “the plants enhanced the office ambience.”

Orchids require special care, and in order to water the plants, it was necessary to briefly place each plant under running water. Therefore, claimant carried two plants at a time to the ladies’ restroom in order to water them. The pots in which the orchids were planted had holes in the bottom. Claimant made three trips to the ladies’ restroom with two plants at a time. On the third trip, after she watered the final two plants, claimant was leaving the restroom when she suddenly fell. She testified that she did not know why she fell, but that she initially assumed the floor was wet.

There were no witnesses to the incident. The person who found claimant on the floor after her fall noted water on the floor, however claimant had dropped the plants she had just watered, so there was no way to prove whether the water was on the floor prior to the fall.

The deputy held that claimant had carried her burden to prove that the injury occurred both in the course of and arose out of her employment. The deputy explained:

Claimant was benefitting the University of Iowa when she brought the six orchids from her home into the work environment. She was advancing the appearance of the office. She enhanced the work environment. When the work environment is pleasant, it is generally thought the employees will be more productive and morale will improve. Many of the co-workers enjoyed the beauty of the plants. Several employees complimented claimant on the orchids.

Because claimant was providing a benefit to her employer, the injuries she sustained in her fall were in the course of her employment, and arose out of her employment. Therefore, the deputy held that the injuries were compensable, and awarded benefits.

b) *Albertsen v. Benco Mfg.*, File No. 5010764 (App. Dec., July 27, 2007).

Claimant was injured when she fell at work while entering the restroom on a break. She hit her head against a concrete wall as she fell, which resulted in a fracture to the C2 vertebra. Claimant only remembered that she was walking into the restroom and had opened the door, when something hit her in the back of the head. When she woke up, she was on the floor. She did not know what hit her in the head, but she assumed it was the bathroom door. Other evidence was presented indicating that it would have been impossible for the bathroom door to have hit her in the head, and it was more likely that she fainted, and hit her head against the wall when she fell.

The deputy commissioner denied benefits, finding that claimant had not shown that her injury arose out of her employment. The deputy determined that Claimant had fainted for personal reasons unrelated to her employment, and that the conditions of her employment did not place Claimant in a hazardous position.

Claimant appealed, and Commissioner Godfrey reversed the deputy and awarded benefits. First, the Commissioner noted that it was necessary to determine whether Claimant's fall was caused by a reason personal to her (idiopathic), or whether it was an unexplained fall. He concluded that no one could say for certain why Claimant fell; there was conflicting evidence as to whether the floor was wet or slippery, and the medical evidence suggesting she fainted was speculative and contradicted by other evidence that she threw her hands over her head as she fell.

The Commissioner could find no more proof in the file that Claimant had a personal medical condition causing her fall than proof that claimant slipped and fell backward due to the door and condition of the floor where she entered the restroom. The Commissioner held that there was insufficient proof that the fall was due to a risk distinctly personal to claimant or definitely due to the employment. As such, he concluded that Claimant sustained an unexplained fall, and her injuries were compensable.

The Commissioner also noted in the alternative that even if a personal medical condition had caused Claimant's fall, her injuries would still be compensable. The concrete wall that Claimant hit her head on when she fell was the cause of her broken neck. In other words, the effects of the fall were made worse by an employment related factor. Therefore, in this situation, Claimant's injuries were compensable regardless of the cause of her fall.

c) *Kriegel v. Kwik Trip, Inc.*, File No. 1168032 (Arb. Dec., Feb. 8, 1999).

Claimant sustained an idiopathic fall due to medication she was taking. While falling, she struck her head on a counter at her place of employment, resulting in injuries. While the employer was not liable for the underlying personal condition, the Commissioner held that the employer was still liable for the portion of the injury that resulted from the trauma produced by the workplace. The Commissioner distinguished other situations in which there is no employment-related injury or trauma distinguishable from the idiopathic condition itself.

The burden of proof for the apportionment of medical expenses between those solely attributable to the Claimant's underlying medical condition, and those attributable to the injuries sustained in the fall, rests upon the employer. In this case, the employer had not presented any

evidence upon which such an apportionment could be based. As such, the Commissioner held that the employer was responsible for everything.

d) *Koehler Electric v. Wills*, 608 N.W.2d 1 (Iowa 2000).

This Iowa Supreme Court decision deals with an appeal of the Commissioner's award of benefits to a Claimant who sustained injuries after an idiopathic fall from a ladder. The Claimant fell from the ladder as a result of alcohol withdrawal.

The Court recognized that the cause of Claimant's fall was purely personal to him, and therefore idiopathic. Again, while injuries from idiopathic falls are generally not compensable, the exception to the rule applies when the employment contributes to the risk or aggravates the injury. In this case, the Claimant alleged that his injuries were worse as a result of the height from which he fell. The employer argued that the Claimant had the burden to prove that his injuries were worse because he fell from a height than they would have been had he been on level ground. Because he had not provided expert testimony that his injuries were enhanced by the fall from a height, the employer argued that Claimant failed to meet this burden.

The Court held that the Claimant had proven that his injuries arose out of his employment. The Court stated that the focus was not on whether Claimant proved his precise injuries were caused by the workplace condition, here the height from which he fell. Rather, the Court focused on the increased risk of injury that the workplace condition created. As such, it was not necessary for the Claimant to prove that his injuries were worse because he fell from a height. It was only required that he prove that a condition of his employment increased the risk of injury. In this case, expert testimony was not necessary for the Claimant to meet his burden, because the fact finder could conclude based on common experience that the risk of injury is

greater when one falls from a height than when on falls on level ground. The Commissioner's decision was affirmed, and the Claimant was awarded benefits.

4. CONCLUSION

When there is a possibility of a fall being either idiopathic or unexplained, the burden is on the employer to prove it was idiopathic, rather than unexplained. Generally, injuries resulting from risks personal to the claimant (idiopathic) are not compensable. There is an exception when the employment contributes to the risk or aggravates the effects of the fall. In those cases, the employee only has to prove that some condition of his or her employment increased the risk of injury.

In the absence of proof of a cause personal to the claimant, the fall and resulting injuries are considered "unexplained." An unexplained injury is compensable. In Iowa, the bulk of case law indicates that an employee who is injured in a fall will likely be awarded benefits in almost every instance if the injury results from striking something on the way down or hitting a hard floor, regardless of the reason for the fall. In addition, if there is any conflicting evidence or uncertainty regarding the underlying cause of the fall, it is likely that it will be considered unexplained, and therefore compensable.