



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**France v. Industrial Commission of Arizona et al.,  
CV-20-0068-PR**

**PARTIES:**

*Petitioner:* Gila County and Arizona Counties Insurance Pool

*Respondent:* John R. France (“**France**”)

**FACTS:**

In June 2017, Gila County Sheriff’s Deputy France and another officer were dispatched to conduct a welfare check on an unstable man threatening to kill himself with a shotgun. France had encountered the man two nights before and on that occasion the man had threatened to kill officers. When they arrived at the man’s location, the two officers positioned themselves on either side of a door that opened onto a stairway. France saw the man running down the stairs carrying a shotgun “in a shooting stance.” *France v. Indus. Comm’n of Arizona*, 248 Ariz. 369, 371 ¶ 3 (App. 2020). The man burst through the doorway and pointed the gun at France’s face.

The man ignored orders to drop his weapon and advanced on France. “With the man between them, neither officer could act without endangering the other.” *Id.* France backed around the corner of the house with the gunman following him; once around the corner, France was pinned into an area with no retreat. At that point, both officers were out of the line of fire and they each shot the man several times before he fell to the ground and died. The man fell near France; the fellow officer was 20 to 25 feet away.

At the time of the shooting, France had been a patrol officer for most of his thirty-six year career; he had never before killed a suspect and had only fired his weapon on one other occasion. The day after the shooting, France began having psychological problems and was eventually diagnosed with post-traumatic stress disorder (PTSD). France never returned to work and retired in November 2017.

After he retired, France submitted a claim for workers’ compensation under A.R.S. § 23-1043.01. That statute provides:

A mental injury, illness or condition shall not be considered a personal injury by accident arising out of and in the course of employment and is not compensable pursuant to this chapter unless some unexpected, unusual or extraordinary stress related to the employment or some physical injury related to the employment was a substantial contributing cause of the mental injury, illness or condition.

A.R.S. § 23-1043.01(B). France’s claim was denied on the grounds that his injury did not arise

from “some unexpected, unusual or extraordinary stress related to the employment.” That conclusion was affirmed by review of the Industrial Commission. France timely appealed.

The court of appeals noted that the Arizona Workers’ Compensation Act is to be construed “liberally to accomplish its remedial purpose: to protect employees injured while performing work-related activity.” *France*, 248 Ariz. at 372 ¶ 10. The court stated that “prior cases addressing mental injuries seem to suggest that a claimant seeking compensation for a work-related emotional injury must prove the injury-causing event was not contemplated as part of his job responsibilities.” *Id.* ¶ 12.

But, the court held that those cases “differ from France’s claim here,” because the “issue to be resolved here, where the confrontation that precipitated France’s PTSD was undoubtedly work-related, was not whether the event itself was ‘unexpected, unusual or extraordinary,’ but whether the *stress* France was exposed to as a result of his employment was ‘unexpected, unusual or extraordinary.’” *Id.* ¶¶ 12, 13. The court of appeals determined that the “phrase ‘unexpected, unusual or extraordinary stress related to the employment’ must be read as a whole and in a more general sense to mean, simply, that the injury-inducing stress imposed upon the claimant by virtue of his employment was sufficiently significant and noteworthy to differentiate it from the daily wear and tear of living.” *Id.* at 374 ¶ 15. When the Industrial Commission had denied France’s claim, it had “focused upon the nature of the event, rather than the nature of the stress,” and the court of appeals held that the Commission’s “decision and award must be set aside.” *Id.* at 373 ¶ 13.

## ISSUES:

1. Did the court of appeals nullify the heightened causation standard under A.R.S. § 23-1043.01(B) and this Court’s precedent by converting the objective “unexpected, unusual or extraordinary stress” standard based on the duties assigned to the claimant and similarly situated employees into a subjective standard focused on the claimant’s perceived subjective experience of a stressful event?
2. Did the court of appeals essentially eliminate the statutory “unexpected,” “unusual,” and “extraordinary” stress criteria by holding that those terms should be read “as a whole” and “in a more general sense” and to allow compensation whenever workplace stress is “sufficiently significant and noteworthy to differentiate it from the daily wear and tear of living?”

*This Summary was prepared by the Arizona Supreme Court Staff Attorney’s Office solely for educational purposes. It should not be considered official commentary by the court or any member thereof or part of any brief, memorandum or other pleading filed in this case.*