



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



Matthews v. Indus. Comm'n of Ariz., CV-21-0192-PR

PARTIES:

Petitioner: Timothy Matthews

Respondent: Industrial Commission of Arizona, City of Tucson (employer), Tristar Risk Management (insurance carrier)

FACTS:

Matthews was a police officer with the Tucson Police Department from 2000 to June 2018. He was promoted to detective in 2011. Over the years, he experienced a number of upsetting incidents in his work as a police officer. Off and on after 2009, Matthews received treatment for mental health issues, including PTSD, arising from his work.

In June 2018, Matthews responded to a domestic violence incident in which a suspect had barricaded himself in his home with his ex-wife and stepson. The ex-wife and stepson were eventually released. A large number of officers were present and helped work the scene. Matthews interviewed the ex-wife and stepson and worked to secure a search warrant so that the SWAT team could get the suspect out of his garage.

While hostage negotiators talked with the suspect, Matthews watched events unfolding through a video feed. The suspect shot himself in the chest and began crawling out of a gap in the garage door. The SWAT team pulled the suspect out, but he died at the scene. Matthews was one of the officers who then processed the scene as a death investigation. Matthews was in close contact with the body.

Thereafter, Matthews began having severe flashbacks and nightmares and was unable to focus at work. He reported his condition as a workers' compensation industrial injury. He saw his treating psychiatrist and the City's doctor, both of whom recommended that Matthews be removed from work. The insurance carrier denied Matthews' claim for workers' compensation.

Matthews challenged the denial of his workers' compensation claim. The parties agreed that Matthews had a pre-existing PTSD diagnosis which was aggravated by the June 2018 incident. The primary issue was whether the June 2018 incident constituted an "unexpected, unusual or extraordinary stress related to [Matthews'] employment" as required to establish a "mental injury" under A.R.S. § 23-1043.01(B).

At a hearing, Matthews' expert testified that the June 2018 incident was a "standard issue" "domestic violence/barricaded situation." The administrative law judge ruled that Matthews had not shown that the June 2018 incident involved "an unexpected, unusual or extraordinary stress," and thus Matthews' claim was "noncompensable" as a workers' compensation industrial injury.

In a split decision, the court of appeals affirmed the administrative law judge. The majority held that the requirement in § 23-1043.01(B) that a claimant show that a “mental injury” arose from “some unexpected, unusual or extraordinary stress related to the employment” did not “constitute an assumption-of-the risk defense” that would violate the workers’ compensation scheme in Arizona Constitution article 18, section 8 (“Section 8”). *Matthews v. Indus. Comm’n*, 251 Ariz. 561, 568 ¶ 15 (App. 2021). Rather, the majority held that a City could put on evidence regarding a police officer’s “training and job duties” to help a fact-finder understand “the various foreseeable events that could occur in the course of a police officer’s employment” and that introducing such evidence did not inject an “assumption of the risk defense into the workers’ compensation system.” *Id.* at 567–68 ¶¶ 13, 15.

The majority also rejected the argument that the enactment of § 23-1043.01(B) unconstitutionally curtailed injuries that otherwise would be compensable under Section 8. The majority held that § 23-1043.01(B) addressed “a unique type of injury that was not specified or apparently contemplated by the framers of the Arizona constitution. . . .” *Id.* at 569 ¶ 18. The majority held that “the legislature expanded rather than restricted the scope of compensable accidents when it enacted § 23-1043.01(B).” *Id.* Thus, the majority held that by expanding compensable benefits, § 23-1043.01(B) did not violate Section 8.

The dissent would have held that § 23-1043.01(B) was “unconstitutional” because it limited “coverage of mental injuries to those arising only from unexpected, unusual, or extraordinary workplace events,” and thus “contradict[ed] the scope of coverage mandated by article XVIII, § 8.” *Id.* at 570 ¶ 23 (Eckerstrom, J., dissenting).

ISSUE:

The Court granted review of this rephrased issue: Is A.R.S. § 23-1043.01(B) unconstitutional as applied to claimants who work in high-stress occupations such as law enforcement?

CONSTITUTION AND STATUTE:

In relevant part, Arizona Constitution article 18 section 8 provides:

The legislature shall enact a workmen’s compensation law . . . by which compensation shall be required to be paid to any . . . workman . . . [if] his injury . . . [is] in the course of such employment [and] from any accident arising out of and in the course of, such employment, is caused in whole, or in part, or is contributed to, by a necessary risk or danger of such employment, or a necessary risk or danger inherent in the nature thereof. . . .

A.R.S. § 23-1043.01(B) 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.

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