

Workers' Comp For PTSD, Acute Stress, and Depression

Understanding Work-Related Mental Health Injuries in New York

New York workers have a stronger legal footing to file [workers' compensation claims](#) for mental health conditions such as post-traumatic stress disorder (PTSD), acute stress disorder (ASD), and major depressive disorder (MDD). As of July 2023, changes to [Workers' Compensation Law §10\(3\)\(c\)](#) allow claims for these conditions when tied to “extraordinary work-related stress,” even in the absence of a physical injury.

This amendment represented a significant step forward for civil servants, union members, and other New York workers who have long been denied compensation for debilitating psychological harm. For many, it could be the difference between silence and support, between being told “it’s just part of the job” and receiving real care and benefits.

Why Was the Law Amended?

Historically, workers in New York faced a steep burden to establish workers compensation claims for psychological injuries. Psychological conditions, even those clearly linked to traumatic incidents at work, were often dismissed unless accompanied by physical harm. This excluded countless workers—from EMTs who witnessed fatal accidents to corrections officers targeted in violent attacks—from receiving the mental health support they needed.

The revised law acknowledges that exposure to extreme stress in the workplace—especially in roles that involve emergencies, death, or violence—can cause serious psychological harm that is no less real or disabling than physical injuries.

What Does “Extraordinary Work-Related Stress” Mean?

Under the new §10(3)(c) guidelines, workers must show that their mental health condition stems from “extraordinary work-related stress not experienced by the general public.” This phrase is key. The law is not meant to cover routine job pressures. Instead, it applies to situations that go well beyond the norm.

Examples may include:

- **Emergency Responders:** A firefighter trapped during a burning collapse, or an EMT responding to a mass casualty scene.
- **Corrections Officers:** Facing repeated threats, riots, or acts of violence.
- **Health Care Workers:** Exposed to death, severe injury, or repeated trauma in emergency rooms or psychiatric units.
- **Transit Workers:** Operators involved in fatal train or bus accidents.

- **Social Workers or Child Protective Staff:** Witnessing severe child abuse or violent confrontations.

The burden of proof still rests with the worker, but the law now allows these claims to be considered on equal footing with physical injuries, which was a long-overdue development.

Covered Diagnoses: PTSD, ASD, and MDD

The statute now explicitly includes:

- **Post-Traumatic Stress Disorder (PTSD):** A long-term response to experiencing or witnessing a traumatic event.
- **Acute Stress Disorder (ASD):** A short-term reaction (lasting from three days to one month) following trauma.
- **Major Depressive Disorder (MDD):** A persistent and severe form of depression that may result from prolonged exposure to job-related trauma or stress.

These diagnoses must be made by a licensed psychologist or psychiatrist and supported by appropriate medical documentation. It's not enough to feel overwhelmed. Your condition must meet clinical criteria and be directly linked to a workplace incident or pattern of incidents.

Who Benefits Most From This Change?

While the amendment applies broadly, certain categories of workers are most likely to benefit from the expanded protections:

- **Civil Servants:** Corrections officers, court officers, transit workers, firefighters, and police.
- **Union Workers:** Members of labor unions often work in high-risk or high-stress environments, making them strong candidates for mental health-related claims.
- **Healthcare Employees:** Nurses, technicians, and ER staff now have clearer access to compensation for stress-related disorders.
- **First Responders and Disaster Workers:** Including those involved in pandemic response, natural disasters, or mass casualty incidents.

Challenges Workers Still Face

While the new law removes a major barrier, mental health claims are still subject to scrutiny. Workers must be prepared for:

- **Documentation Requirements:** You'll need detailed medical records, a clear diagnosis, and a well-documented timeline linking your condition to workplace events.

- **Claim Denials:** Insurers may still argue that your stress is part of the job or try to minimize the severity of your condition.
- **Stigma:** Despite legal protections, some workers fear retaliation, being labeled as “weak,” or losing future opportunities.

That’s why having an experienced New York workers’ compensation lawyer is critical. The process isn’t just about filing paperwork. It’s about proving your condition is real, work-related, and disabling.

How to File a Claim For Psychological Injury

If you’re experiencing PTSD, ASD, or MDD due to workplace trauma, here’s what you need to do:

1. **Seek Medical Attention Immediately:** Get evaluated by a licensed psychiatrist or psychologist. The sooner you document your condition, the stronger your case will be.
2. **Report the Incident(s) to Your Employer:** Don’t wait. Timely reporting is crucial in workers’ compensation cases.
3. **File a C-3 Claim Form:** This begins your official workers’ compensation case with the New York State Workers’ Compensation Board.
4. **Contact a Workers’ Comp Attorney:** Don’t navigate this alone. Legal guidance can help you avoid mistakes and fight for the full benefits you’re entitled to.

What Benefits Are Available?

Workers with approved claims under §10(3)(c) may be entitled to:

- **Medical Expenses:** Counseling, therapy, medication, psychiatric treatment
- **Lost Wages:** Weekly cash benefits if your condition prevents you from working
- **Vocational Rehabilitation:** If you need to change jobs or retrain
- **Permanent Disability Benefits:** If your condition results in long-term impairment

Importantly, there is no cap on medical care for work-related mental health conditions. As long as your treatment is authorized and medically necessary, it should be covered.

What About Suicide or Severe Mental Decline?

In the most tragic cases, untreated workplace trauma can result in suicide or severe, irreversible mental illness. While emotionally devastating, these cases may also give rise to workers’ compensation death benefits for surviving family members, though they can be difficult to prove and may require extensive legal and medical documentation.

The expanded law opens the door to such cases being taken more seriously, offering a measure of accountability for employers and insurers who previously rejected mental health claims outright.

How This Law Reflects a Shift in Attitudes

The changes to §10(3)(c) reflect a broader shift in how mental health is understood and valued in the workplace. It's a recognition that psychological trauma deserves the same legal consideration as a broken bone or torn ligament.

By explicitly naming PTSD, ASD, and MDD in the statute, New York lawmakers have signaled that ignoring mental harm is no longer acceptable and that workers who protect and serve our communities deserve better.

Let Our Firm Help You Pursue the Support You Deserve

At [Pasternack Tilker Ziegler Walsh Stanton & Romano LLP](#), we've been fighting for injured New York workers for over 90 years. We understand how life-altering a psychological injury can be, especially when it's tied to a job that once brought pride and purpose.

If you're struggling with mental health symptoms tied to your job, we're ready to help. Our attorneys can walk you through every step of the claims process and advocate for your right to proper care and compensation.

[Contact us today](#) to schedule your free consultation. We have 12 offices conveniently located throughout New York, including two offices in Brooklyn and one in Manhattan.