

Employment Law

Workers' Compensation Problem

Eric M. Fink
Elon Law School

At 11:00 one morning, downtown Greensboro was rocked by a sudden explosion at the Barristers Building, where several law firms have their offices. The explosion destroyed the building and started a major fire that took several hours to contain. Investigators determined that the explosion was caused by a bomb. A terrorist organization called the Anti-Lawyer Front issued a statement claiming responsibility and explaining that they targeted the building because the tenants were all law firms.

Annette Thompson is an associate at a law firm that had its office in the Barristers Building. Thompson was walking back to the office from the courthouse and was one block away when the explosion occurred. She was struck by flying debris and fell on the sidewalk, suffering a large gash on her forehead and fractured bones in her wrist and arm. Since the incident, she has experienced dizzy spells and difficulty concentrating, rendering her unable to work.

Jack Bello is a teller at a bank located about three blocks from the Barristers Building. He heard the noise from the explosion, but didn't know what it was and continued working. About five minutes later, the bank manager announced that there had been an explosion in the area and directed all employees to evacuate the building. When Bello got outside, he saw the flaming wreckage of the Barristers Building a few blocks down the street. He lingered for about 20 or 30 minutes watching the commotion, until the police ordered everyone to leave the area, at which point he went home. Bello has not returned to work since the day of the explosion, contending that he suffers from post-traumatic stress disorder.

Thompson and Bello have contacted you wanting to know whether they are entitled to workers' compensation benefits. What advice will you give them?