

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1997 MTWCC 35

WCC No. 9212-6664

SAMUEL C. WYLIE

Petitioner

vs.

STATE COMPENSATION INSURANCE FUND

Respondent/Insurer for

MONTANA DEPARTMENT OF JUSTICE

Employer.

ORDER GRANTING SUMMARY JUDGMENT;
JUDGMENT DISMISSING THE PETITION WITH PREJUDICE

The matter before the Court is a motion for summary judgment filed by the insurer, State Compensation Insurance Fund. The motion has been briefed and is deemed submitted for decision.

The petition in this case was filed on December 22, 1992, by Samuel C. Wylie (Wylie), a Montana highway patrolman. According to the petition, Wylie suffered a psychological injury when he was involved in a shooting incident, the apprehension of a suspect and the discovery of a dead victim. No physical injury is alleged by Wylie and he admits in his response to the State Fund's motion that the sole injury he suffered is "to his mind rather than his body." (Petitioner's Response to Defendants' Motion at 2.) Wylie further concedes that ***Stratemeyer v. MACO Workers' Compensation Fund***, 259 Mont. 329, 855 P.2d 506 (1993), "controls the outcome of the present case." ***Stratemeyer*** held that psychological and physical conditions which arise solely from non-physical stimuli, such as mental stress, are not compensable injuries under the Montana Workers' Compensation Act as amended in 1987, and rejected a constitutional attack on the exclusion.

THEREFORE, IT IS HEREBY ORDERED that the State Fund's motion for summary judgment is **granted**. The petition is **dismissed with prejudice**. This Order shall constitute a final judgment for purposes of appeal pursuant to ARM 24.5.348.

DATED in Helena, Montana, this 19th day of April, 1994.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. James M. Regnier
Mr. Laurence A. Hubbard