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INJURY FROM JOB STRESS QUALIFIES FOR PAYOUT

DAVID LYONS Herald Staff Writer

When Warren **Zundell** ordered an algebra student to toss out a wad of gum, he got into an argument that resulted in a career- ending brain hemorrhage. Unable to work, **Zundell** sought and was denied worker's compensation.

Thursday, in a precedent-setting decision, the Supreme Court of Florida ruled that **Zundell** should be paid. The stricken teacher at Hialeah Junior High, the justices ruled, had no history of heart problems or high blood pressure, and was felled by the exertion of a job-related incident.

The ruling appeared to broaden the legal standard for collecting benefits for medical problems caused by stress on the job. In effect, the court indicated that an injury caused by the mental exertion of reprimanding a student is akin to an injury caused by stooping to lift a heavy object.

"Such injuries often may be essentially no different, for example, than a hernia brought on by routine workplace exertion," the justices ruled in a unanimous decision.

Zundell, whose 25-year teaching career ended on Jan. 5, 1988, was in good health when he approached the unidentified student about the gum at Hialeah Junior High School.

The confrontation escalated when the student hurled the wad "like a baseball into the waste can," the court said. Then, he began to scream: "The gum is gone!"

Twice, **Zundell** ushered the student to the school office for discipline -- the second time after the student returned to class without permission.

On the second trip, **Zundell** suffered dizzy spells, could not move his arms and could not stand up. He also started to vomit and complained of a severe headache. An ambulance crew rushed him to a hospital, where doctors diagnosed the hemorrhage.

Zundell never taught algebra again and retired to New Port Richey.

Dr. Basil Yates, a Dade neurosurgeon who testified as an expert witness in the case, said Thursday that it is possible for a healthy person to suffer **Zundell's** fate when plunged into an intense argument.

"The arterial system of the body is in some ways similar to a plumbing system," the doctor said. "If the pressure inside the body goes high enough, then the weakest point in the system will break. In this case, the blood vessel that broke was in his head."

Before the argument, **Zundell**, who was in his 50s at the time, showed no signs of high blood pressure or heart problems, the doctor said.

But when **Zundell** applied for worker's compensation, a judge denied the claim. He ruled that **Zundell** had to prove that while dealing with the unruly student, he was performing services "above and beyond his normal work duties."

Miami attorney Steven M. Dunn, who represented **Zundell**, disagreed.

"The man got hurt on the job -- how could he not be entitled to compensation?" Dunn asked.

Dunn said that when attorneys argued their case before the Supreme Court, the justices seemed to be concerned with increasing levels of student violence against teachers, and how they should be compensated if injured.

"What's a teacher to do?" Dunn said Thursday. "They were very concerned about that."

The high court quashed the compensation court's decision, and ordered Judge William Johnson of Miami to conduct proceedings consistent with its views.

"We believe it would be inherently unfair to deny compensation here when **Zundell's** injury so clearly arose from a situation inherent in the work place, and which **Zundell** normally would not have encountered in his non-work life," wrote Justice Gerald Kogan.

The court warned, however, that while the law allows compensation for physical injuries caused by stress, it does not allow it for mental problems caused by work stress.

Dunn said the next step for his client is to return to the worker's compensation court to collect lost wages for the years since the accident.

He said payments would be based on the going rate for 1988, or a maximum of \$400 a week. Dunn said his client is entitled to retroactive payments, plus interest.

Zundell, who is under doctor's orders to avoid stressful situations, did not return a phone message passed to him through his lawyer.

Herald staff writer David Hancock contributed to this report.

EFFECTS OF STRESS

Can stress cause a brain hemorrhage in an otherwise healthy person?

Yes, but such incidents are rare, said Dr. Parley Madsen, a neurosurgeon with the University of Miami Medical School.

"Anything that elevates your blood pressure can cause this to happen," said Madsen.

When a person undergoes stress, the body responds by pumping less blood to the extremities and more blood to the brain, muscles, kidneys and other organs.

"It's the fight or flight system," said Madsen.

The brain receives a large percentage of this extra blood, which puts more pressure on the veins and arteries in and around the brain. This can cause strokes or aneurisms but rarely in people with no history of high blood pressure.

"The majority of cases we see are related to a history of hypertension," Madsen said.



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