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Posted at 6:00 AM on March 27, 2012 by Cameron L. Ward

When Does Alcohol or a Controlled Substance Preclude Workers' Compensation Benefits?

Like most states, Utah's Worker's Compensation statute prohibits an employee from recovering disability compensation when "the major contributing cause of the employee's injury" is the employee's unauthorized use of alcohol or a controlled substance. See [Utah Code Ann. § 34A-2-302\(3\)\(b\)](#). If any amount of a controlled substance or its metabolites is found in an injured employee's system at the time of the injury, the Worker's Compensation statute presumes that drug use was the major contributing cause of the injury.



An employee can rebut this presumption by:

- challenging the accuracy of the drug test;
- demonstrating that he or she did not actually use a controlled substance;
- providing expert medical opinion suggesting that the level of controlled substance in the employee's system does not support a finding that drug use was the major contributing cause of the injury; or
- otherwise demonstrating that drug use was not the major contributing cause of the injury.

A Utah appellate court recently weighed in on this issue when it reversed the Utah Labor Commission's denial of disability compensation to James Barron in [Barron v. Labor Commission](#).

Mr. Barron was severely injured while at work when he stepped backward off the edge of temporary metal decking at a construction site and fell fourteen feet to a concrete floor below. A urine sample taken at the hospital on the day of the accident tested positive for cocaine metabolites. Mr. Barron admitted to sharing a quarter of a gram of cocaine with a friend two days before the accident but presented evidence tending to demonstrate he was not impaired at the time of the accident, including testimony from co-workers and medical personnel who observed Mr. Barron's conduct on the day of the accident.

Applying the statutory presumption, the Commission ignored Mr. Barron's evidence of non-impairment and found that drug use was the major contributing cause of his injury. Specifically, the Commission determined that Mr. Barron must demonstrate that "some other force" apart from his own actions caused his injury to overcome the presumption. Following case law from a number of other states with similar statutory schemes, the Utah Court of Appeals reversed the decision of the

Commission and, for the first time, clarified that employees are not required to show that their injury was the result of an outside force to overcome the statutory presumption. Rather, evidence of non-impairment at the time of the accident may be used to rebut the presumption and to demonstrate that drug use was not the major contributing cause of injury.

So, when does the use of alcohol or a controlled substance preclude workers' compensation benefits? The answer: almost always, but not when employees can demonstrate that they are not impaired, despite the presence of controlled substances within their systems.

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