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Greg Stout, President  
Tampa Police Benevolent Association  
3010 N. Boulevard  
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**Re: PAT Test/Workers' Compensation**

Dear Greg:

Per your request regarding whether or not the blood pressure issues arising during the PAT test should be treated as workers' compensation matters, I had a telephone conference with Vicky Stolberg, a well respected Tampa workers' compensation attorney. After my conversation with Ms. Stolberg, I believe that it would be very difficult for officers to prevail under a workers' compensation theory.

In short, it appears that in order to be successful in a workers' compensation claim, an individual needs to satisfy the "disablement" requirement set forth in the occupational disease provisions of the Workers' Compensation Act. Existing case law has defined the term "disablement" as actual wage loss. Sending an officer to his or her personal physician based upon a pre-PAT test blood pressure screening does not appear to result in the actual loss of wages.

In conclusion, it is up to the individual officer whether or not he or she wants to file a workers' compensation claim. Based upon the generic facts as I know them at this time, it does not seem likely that such a claim would succeed. However, it should be noted that each case would have to be considered on its individual merits so I would strongly encourage anyone who has a concern about this issue to contact Ms. Stolberg's office at 813-879-5588.

Very truly yours,



Robert T. McCabe