

COMMONWEALTH COURT OF PENNSYLVANIA

Brian Ganley v. Upper Darby Township (Workers' Compensation Appeal Board)

No. 770 C.D. 2024 (Commonwealth Court of Pennsylvania 2025) · No. 770 C.D. 2024 · Decided October 22, 2025

SUMMARY

The Pennsylvania Commonwealth Court reviewed a workers’ compensation claim by a firefighter who developed PTSD after unsuccessfully performing CPR on two infants who died. The court held that whether the events constituted abnormal working conditions was a legal question subject to de novo review, and it reversed the Workers’ Compensation Appeal Board’s order denying benefits. The opinion emphasizes the fact-sensitive nature of psychological-injury claims under Pennsylvania’s Workers’ Compensation Act.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Stacy Wallace; Renée Cohn Jubelirer, President Judge; Stacy Wallace, Judge; Bonnie Brigance Leadbetter, Senior Judge
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	October 22, 2025
DOCKET	770 C.D. 2024
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petition for review of the Workers' Compensation Appeal Board's order affirming a Workers' Compensation Judge's denial of a claim petition for benefits for work-related PTSD.
STANDARD OF REVIEW	The court reviews workers' compensation orders for constitutional violations, agency practice or procedural violations, and errors of law, and reviews factual findings for substantial evidence. Questions of law, including whether working conditions were abnormal, are reviewed de novo under a plenary scope of review; credibility determinations and evidentiary weighing remain for the Workers' Compensation Judge.
PRECEDENTIAL VALUE	Published and precedential opinion of the Commonwealth Court of Pennsylvania

PARTIES

Brian Ganley v. Upper Darby Township (Workers' Compensation Appeal Board)

TOPICS

workers compensation

administrative law

standard of review

appellate procedure

employment law

PRACTICE AREAS

workers' compensation

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QUESTIONS PRESENTED

1. Whether the unsuccessful performance of CPR on two infants and witnessing their deaths within a 16-month period constituted an abnormal working condition for a firefighter under Pennsylvania workers' compensation law.
2. Whether the Workers' Compensation Judge and Board erred as a matter of law in treating the individual components of the events—performing CPR, responding to emergencies, and witnessing death—as normal working conditions rather than evaluating the combined circumstances.
3. Whether the Board's decision was consistent with the humanitarian purposes of the Workers' Compensation Act.

HOLDINGS

1. The facts found by the Workers' Compensation Judge established an extraordinarily unusual and distressing combination of events that constituted an abnormal working condition as a matter of law.
2. The Board erred as a matter of law by failing to conclude that the facts found by the Workers' Compensation Judge established an abnormal working condition.

KEY QUOTATIONS

“Claimant did not simply witness death at a usual call involving a fire or a motor vehicle crash. Claimant was actively involved in attempting to resuscitate two separate unresponsive babies and witnessing each of their deaths. We cannot agree that Claimant’s experience in this regard was a “normal” or “expected” consequence of being a firefighter.” (16-17)

“We conclude, as a matter of law, that the facts found by the WCJ establish the existence of an extraordinarily unusual and distressing combination of events experienced by Claimant which resulted in his disabling mental condition.” (19)

FACTUAL BACKGROUND

Upper Darby Township employed Ganley as a firefighter from 2001 until he took medical leave in 2021. In November 2018 and May 2021, he unsuccessfully performed CPR on two infants, the only infants on whom he had performed CPR during his approximately 20 years of firefighting service. After the second incident, his anxiety, depression, anger, PTSD, sleep disturbance, appetite loss, and nightmares intensified, and he stopped

working. The parties did not dispute that his PTSD was caused by his work-related duties; the dispute concerned whether the incidents constituted abnormal working conditions.

PROCEDURAL HISTORY

Ganley, a firefighter, sought workers' compensation benefits for PTSD arising from two incidents in which he unsuccessfully performed CPR on infants within a 16-month period. The Workers' Compensation Judge denied the claim, concluding that the incidents were normal working conditions. The Workers' Compensation Appeal Board affirmed, and Ganley petitioned the Commonwealth Court for review. The Commonwealth Court reversed and remanded for calculation of disability benefits and attorney's fees.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Workers' Compensation Appeal Board must remand the matter to the Workers' Compensation Judge for further proceedings consistent with the opinion, specifically calculation of an award of disability benefits associated with Ganley's work injury and attorney's fees. Jurisdiction was relinquished.

CASES CITED

- Montano v. Advance Stores Co., Inc. (Workers' Comp. Appeal Bd.), 278 A.3d 969 (Pa. Cmwlth. 2022)
- Berardelli v. Workmen's Comp. Appeal Bd. (Bureau of Pers. State Workmen's Ins. Fund), 578 A.2d 1016 (Pa. Cmwlth. 1990)
- Payes v. Workers' Comp. Appeal Board (Pa. State Police), 79 A.3d 543 (Pa. 2013)
- Premium Transportation Staffing, Inc. v. Welker, 305 A.3d 1212 (Pa. Cmwlth. 2023)
- Sedgwick Claims Management Services, Inc. v. Bureau of Workers' Compensation, Fee Review Hearing Office (Piszel & Bucks County Pain Center), 185 A.3d 429 (Pa. Cmwlth. 2018)
- Manor v. Department of Public Welfare, 796 A.2d 1020 (Pa. Cmwlth. 2002)
- Probst v. Department of Transportation, Bureau of Driver Licensing, 849 A.2d 1135 (Pa. Cmwlth. 2004)
- Tooey v. AK Steel Corp., 81 A.3d 851 (Pa. 2013)
- Ryan v. Workers' Comp. Appeal Bd. (Community Health Services), 707 A.2d 1130 (Pa. 1998)
- Martin v. Ketchum, Inc., 568 A.2d 159 (Pa. 1990)
- Volterano v. Workmen's Comp. Appeal Bd. (Allied Corp.), 639 A.2d 453 (Pa. 1994)
- Davis v. Workers' Compensation Appeal Board (Swarthmore Borough), 751 A.2d 168 (Pa. 2000)
- Hershey Chocolate Co. v. Workmen's Comp. Appeal Bd. (Lasher), 682 A.2d 1257 (Pa. Cmwlth. 1996)
- Wilson v. Workmen's Comp. Appeal Bd. (Aluminum Co. of America), 669 A.2d 338 (Pa. Cmwlth. 1996)
- RAG (Cyprus) Emerald Resources, L.P. v. Workers' Comp. Appeal Bd. (Hopton), 912 A.2d 1278 (Pa. Cmwlth. 2007)

- Young v. Workers' Comp. Appeal Bd. (New Sewickley Police Department), 737 A.2d 317 (Pa. Cmwlt. 1999)
- Pennsylvania Liquor Control Board v. Workers' Compensation Appeal Board (Kochanowicz), 108 A.3d 922 (Pa. Cmwlt. 2014)

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