



MAR 31 2009

Reply to the Attention of:

COPY

Mr. Victor E. Brame  
HSE Engineer  
Honeywell Analytics, Inc.  
405 Barclay Boulevard  
Lincolnshire, IL 60069

Dear Mr. Brame:

Thank you for your October 20, 2008 letter to the Occupational Safety and Health Administration (OSHA) regarding the Recordkeeping regulation contained in 29 CFR Part 1904 – Recording and Reporting Occupational Injuries and Illnesses. In an effort to provide you with prompt and accurate responses, we developed, and continue to refine a set of Frequently Asked Questions (FAQs). In addition, we maintain a log of Letters of Interpretation (LOI) on the OSHA Recordkeeping website.

Specifically, you requested guidance from OSHA on a case involving “a self-inflicted injury.”

Scenario:

After receiving the announcement his workplace was scheduled to be downsized, an employee became upset and punched a cabinet with his right hand. The employee received first aid (because his hand was bleeding) and then was accompanied to the hospital. There they discovered that he had broken the 5<sup>th</sup> metacarpus. They gave him the appropriate care and he now has a plaster cast on his hand.

Response:

Section 1904.5(a) provides that an injury or illness must be considered work-related if an event or exposure in the work environment either caused or contributed to the injury or illness or significantly aggravated a pre-existing injury or illness. Section 1904.5(b)(1) defines the work environment as the establishment and other locations where one or more employees are working or are present as a condition of their employment. Work relatedness is presumed under Part 1904 for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 1904.5(b)(2) specifically applies.

1904.5(b)(2)(vi) states that, intentionally self-inflicted injuries are not considered work-related. However, we assume that when the employee punched the cabinet, he reacted without thought of injuring himself. Therefore, the injury was not intentionally self-inflicted and does not meet the criteria of the exception and is considered work-related.

The nature of the activity which the employee is engaged in at the time of the event or exposure, the degree of employer control over the employee's activity, the preventability of the incident or the concept of fault do not affect the determination of work relationship. Furthermore, OSHA's geographic presumption encompasses cases in which an injury or illness results from an event at work that is outside the employer's control and covers cases in which an injury or illness results from activities that occur at work but that are not directly productive such as horseplay or workplace violence. Please see our Letter of Interpretation dated February 9, 2009 to Mr. Joe Winkelman on OSHA's website at <https://www.osha.gov/recordkeeping/RKinterpretations.html>

Applying these principles to your scenario, it is OSHA's position that the injury was work-related and meets the recording criteria under 1904.7(b)(5) and 1904.7(b)(7).

Thank you for your interest in occupational safety and health. We hope you find this information helpful. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Sincerely,



Keith Goddard, Director  
Directorate of Evaluation and Analysis