Admiralty Practicum

Volume 2014
Issue 1 *Fall 2014*

Article 3

William C. Skye v. Maersk Line, Limited Corporation 751 F.3d 1262 United States Court of Appeals for the Eleventh Circuit (Decided May 15, 2014)

John-Paul Yezzo, Class of 2016

INJURIES CAUSED BY WORK-RELATED STRESS ARE NOT COGNIZABLE UNDER THE JONES ACT

William C. Skye v. Maersk Line, Limited Corporation
751 F.3d 1262
United States Court of Appeals for the Eleventh Circuit
(Decided May 15, 2014)

The Eleventh Circuit Court of Appeals held that excessive work hours and erratic sleep schedule resulting in physical injury to a seaman in the form of left ventricular hypertrophy was not cognizable under the Jones Act.

William Skye filed suit against his employer, Maersk Line, Limited Corporation ("Maersk"), to recover money damages for negligence for an injury stemming from excessive work hours and erratic sleep schedule.[1] The action was brought under the Jones Act, 46 U.S.C. § 30104, which provides a cause of action in negligence for a "seaman personally injured in the course of employment."[2] Skye worked as chief mate for over eight years on *The Sealand Pride*, which was operated by Maersk.[3] Skye's job duties required him to work overtime, which adversely affected his health due to fatigue, stress, and lack of sleep.[4] In 2008, Skye was diagnosed with left ventricular hypertrophy, a thickening of the heart wall of the left ventricle, which his cardiologist attributed to hypertension.[5] Skye's cardiologist concluded that the "continued physical stress related to [Skye's] job, with long hours and lack of sleep" caused his hypertension, which, in turn, caused his left ventricular hypertrophy.[6]

The district court instructed the jury to decide whether Skye's injury and its causes were physical or emotional.[7] The jury returned a verdict finding that Skye sustained a physical injury.[8] The district court entered judgment in favor of Skye after the jury verdict in his favor.[9] The jury awarded Skye $2,362,299.00 in damages, which the district court reduced to $590,574.75 to account for Skye's comparative negligence.[10] Maersk moved for summary judgment on the grounds that Skye could not recover for an injury caused by work-related stress and, alternatively, that the statute of limitations barred his claim.[11] The district court denied the motion.[12] Maersk appealed the decision of the district court.[13]

On appeal, the Eleventh Circuit vacated the district court's judgment and held that Skye's claim was not cognizable under the Jones Act.[14] The Federal Employers' Liability Act, and by extension, the

---

[1] *Skye v. Maersk Line, Ltd. Corp.*, 751 F.3d 1262, 1263 (11th Cir. 2014).
[2] *Id. See also* 46 U.S.C. § 30104. The Jones Act provides a cause of action in negligence for "a seaman" personally injured "in the course of employment," in the same way that the Federal Employers Liability Act provides a cause of action in negligence for injured railroad employees against their employers. 45 U.S.C. § 51 *et seq.*
[3] *Id.* at 1263.
[4] *Id.*
[5] *Id.* at 1264.
[6] *Id.*
[7] *Id.* at 1265.
[8] *Id.* at 1265.
[9] *Id.* at 1262.
[10] *Id.* at 1263. *See also Consolidated Rail Corp. v. Gotshall*, 512 U.S. 532, 532 (1994). The Supreme Court held that plaintiffs could not recover for work-related stress under the Federal Employers' Liability Act.
[11] *Id.* at 1264.
[12] *Id.*
[13] *Id.* at 1262.
[14] *Id.* at 1267.

Jones Act, are "aimed at ensuring 'the security of the person from physical invasions or menaces.' "[15] For employers to be liable, the employees' injuries must be "caused by the negligent conduct of their employers that threatens them imminently with physical impact."[16] Therefore, because work-related stress is not a "physical peril," the Jones Act does not allow Skye to recover for injuries caused by work-related stress.[17]

The facts of this case paralleled the facts in *Consolidated Rail Corp. v. Gotshall*, where the Supreme Court held that injuries caused by the long-term effects of work-related stress are not cognizable under the Federal Employers' Liability Act because they are not caused by any physical impact or fear from the threat of physical impact.[18] The Supreme Court adopted the zone-of-danger test for injuries not caused by a physical impact – "a worker within the zone of danger of physical impact will be able to recover for emotional injury caused by fear of physical injury to himself, whereas a worker outside the zone will not."[19] Therefore, the Court would allow recovery for damages for injuries sustained as a result of his employer's negligence only if the injuries were suffered while within the zone of danger of a physical impact.[20] Here, Skye alleged that he "was injured while aboard the vessel" because "reduced manning and other conditions caused excessive duties and duty time."[21] Skye also complained that Maersk was negligent when it "failed to provide him with reasonable working hours," adequate personnel, time, equipment, and rest hours, and overworked him "to the point of fatigue."[22] However, Skye was diagnosed with left ventricular hypertrophy, an injury which gradually developed over a period of time.[23] No physical impact occurred, and, therefore, no zone of danger existed. Accordingly, Skye's injury does not fall within the zone of danger.

The Eleventh Circuit also held that the central focus of the Federal Employers Liability Act and the Jones Act is "on physical perils."[24] "An arduous work schedule and an irregular sleep schedule are not physical perils."[25] The cause of Skye's injury was work-related stress; it is inconsequential that Skye developed a "physical injury."[26] A physical injury is not enough.[27] And, according to the Supreme Court, awarding Skye for his injury would potentially lead to " 'a flood of trivial suits, the possibility of fraudulent claims … and the specter of unlimited and unpredictable liability' because there is no way to predict what effect a stressful work environment – compared to a physical accident [. . .] – would have on any given employee."[28]

Accordingly, Skye's complaint is not cognizable under the Jones Act. The Eleventh Circuit reversed the district court's decision and rendered judgment in favor of Maersk.

John-Paul Yezzo
Class of 2016

---

[15] *Id.* at 1265. *See Consolidated Rail Corp.*, 512 U.S. at 555-56. (quoting *Lancaster v. Norfolk & W. Ry. Co.*, 773 F.2d 807, 813 (7th Cir. 1985)).
[16] *Id. See Consolidated Rail Corp.*, 512 U.S. at 555-56.
[17] *Id.* at 1265-1266.
[18] *Id.* at 1266. *See Consolidated Rail Corp.*, 512 U.S. at 558.
[19] *Id. See Consolidated Rail Corp.*, 512 U.S. at 556.
[20] *Id.*
[21] *Id.*
[22] *Id.*
[23] *Id.* at 1264.
[24] *Id.* at 1266.
[25] *Id.*
[26] *Id.*
[27] *Id.* at 1267.
[28] *Id. See Consolidated Rail Corp.*, 512 U.S. at 557.