

Marijuana | Intoxication Defense Under Labor Code 3600(a)(4)

*An employer may deny workers' compensation benefits if the employee's injury was **caused** by intoxication, including marijuana use.*

THE EMPLOYER MUST PROVE:

1. The employee was actually intoxicated at the time of the injury
2. The intoxication was a proximate and substantial cause of the injury

Guzman v. Green Farms, Inc. (2022)

In a pivotal case, the appeals board held that an applicant's injury, when he was struck on the head by a forklift, was not barred by the intoxication defense under [LC 3600\(a\)\(4\)](#), even though a QME reported that, at the time, the applicant had some level of impairment due to the use of nonprescribed drugs. The WCJ reviewed video of the accident and found that the applicant had no noticeable limitations in his actions/movements prior to the accident. So, the defendant failed to establish that the applicant's intoxication caused the injury to occur.

Guzman v. Green Farms, Inc., 2022 Cal. Wrk. Comp. P.D. LEXIS 229.

Facts of the Case

Jose Argueta Guzman, a maintenance worker for Green Farms, Inc., was injured while repairing a scissor lift. He used a forklift to lift the scissor lift, and while checking the alignment, the forklift fork struck him in the head. Blood tests showed recent drug use. The employer denied the claim based on the intoxication defense under Labor Code Section 3600(a)(10)(4).

Legal Analysis

The WCJ found that while the worker had used drugs, the employer failed to prove that intoxication caused the injury. The worker was performing his usual duties, and there was no evidence of impaired behavior. The Panel Qualified Medical Examiner's opinion was deemed not substantial evidence as it was based on an inaccurate version of events. The WCJ concluded that the intoxication defense was not proven, and the injury was compensable.

Conclusion

The WCAB panel agreed with the WCJ's findings. They gave great weight to the WCJ's credibility determinations and found no evidence of considerable substantiality to warrant rejecting these determinations.

In Summation, the WCAB affirmed WCJ's finding that defendant failed to prove applicant maintenance worker's claim for 9/16/2020 head injury was barred by intoxication defense in Labor Code § 3600(a)(4), when WCAB found that while it was undisputed applicant ingested nonprescription drugs on night before injury occurred and that blood/urine analysis from samples obtained within few hours after injury were indicative of some level of impairment, defendant did not establish that impairment/intoxication actually caused applicant's injury, which occurred when he was struck on head by forklift, and opinion of panel qualified medical evaluator was not substantial evidence regarding causation.