No. 98-0038. [9-080] BLANCHARD v. BELLE PLAINE/VINTON MOTOR SUPPLY COMPANY

Appeal from the Iowa District Court for Benton County, L. Vern Robinson, Judge. **AFFIRMED.** Heard by Streit, P.J., and Vogel and Zimmer, JJ. Opinion by Vogel, J. (10 pages $4.00)

On March 28, 1993, Beryle Blanchard fatally shot himself in the warehouse of the Belle Plaine/Vinton Motor Supply Company, a family-run company of which he was chief executive officer and president. His wife, Dorothy, appeals a district court ruling on judicial review affirming the industrial commissioner's decision to deny her worker's compensation claim. **OPINION HOLDS:** ***I. Discovery compliance.*** Dorothy first contends the deputy commissioner abused its discretion in failing to grant her a continuance or exclude defense experts from testifying. Dorothy argues she was significantly prejudiced by the defendants' failure to serve their expert's opinions "as soon as practicable." However, we find that the defendants did serve their expert opinions "as soon as practicable," and further find that Dorothy was not significantly prejudiced by the timing of the disclosure. We conclude that there was no abuse of discretion by the deputy in denying the continuance. ***II. Substantial evidence. A. Compensable mental injuries.*** A mental injury is to be compensable upon a showing of both medical and legal causation. ***B. Medical causation.*** Dorothy contends that substantial evidence does not support the commissioner's decision that Beryle's depression was an endogenous one from within, rather than a situational depression arising out of his work environment. However, five lay witnesses and five doctors testified at the initial hearing as to the cause of Beryle Blanchard's depression. After considering all relevant evidence, the commissioner found the opinions of the defense psychiatric experts to be most persuasive and concluded that Dorothy had failed to establish medical causation. We find the commissioner's ruling to be supported by substantial evidence in the record and therefore must uphold that finding. ***C. Legal causation.*** Dorothy asserts that the legal causation test adopted in *Dunlavey v. Economy Fire and Casualty Co.* should not apply because this was not a case in which a mental stimulus caused a mental injury, but rather one in which a mental stimulus allegedly caused a suicide. However, we interpret *Dunlavey* to mean that regardless of the manifestation of the mental injury, be it suicide or some form of mental impairment, the same proof, both medical and legal causation, is required. Dorothy nevertheless asserts that she met her burden of proof. However, we conclude that there is substantial evidence to support the Commissioner's finding that Dorothy failed to establish legal causation.