

Michigan Supreme Court Case

Allen v. Bloomfield Hills School District

By Bill Buccalo, President of Rainbow Rehabilitation Centers

The Michigan Supreme Court will soon rule on the case of Allen v. Bloomfield Hills School District – the result of which could have a seriously devastating impact on the treatment of people with traumatic brain injury.

In this case, the court will essentially address the issue of whether post-traumatic stress disorder (PTSD) qualifies as a bodily injury. The Brain Injury Association of Michigan (BIAMI) submitted an amicus curiae brief to the court to express their views on the issue and the brief was accepted for consideration.

In the brief, the BIAMI asks the court to “affirm that in Michigan the law recognizes basic principles of medical science, which reject the notion of a mind body dichotomy, by holding that psychological injuries caused by a motor vehicle accident, such as post-traumatic stress disorder or PTSD, constitute bodily injury.” The brief further sights several examples of case law dating back 30 years that clearly supports the fact that “an injury to the mental well-being can be as much an injury to a “body function” as an injury to an arm or a leg,” and argues that “modern medical science has demonstrated through vast research that the mind and the body are inextricably connected.”

Although Allen v. Bloomfield Hills School District is not directly involving a case of brain injury or our no-fault law, the possible consequences of the court accepting an archaic view of mind and body being separate could have a devastating impact on no-fault and the treatment of people with psychological sequela as a result of brain injury.

Thank you to the Brain Injury Association of Michigan and the Sinas, Dramis law firm for your advocacy.

For more information on this case and other important legislative information in Michigan, visit michiganvotes.org. or visit the Brain Injury Association of Michigan’s Web site at biami.org.

References: Sinas, George T. and Hicks, Steven A. Attorneys of The Sinas, Dramis Law Firm. October, 2009. Amicus curiae brief of the Brain Injury Association of Michigan (BIAMI) and the Michigan Brain Injury Provider Council (MBIPC).