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Supreme Court, Appellate Division, Third Department, New York

In the Matter of the Claim of THOMAS LAVIGNE, Respondent,

v.

HANNAFORD BROTHERS CO. et al., Appellant,

and

WORKERS' COMPENSATION BOARD, Respondent.

August 10, 2017

Facts: Decedent's husband filed a claim for benefits after the decedent was found on the floor of her office alone and unresponsive. She was taken to the hospital and died shortly thereafter. She had previously complained to co-workers that "her job was stressing her out." The cause of death was listed as cardiac arrhythmia due to arteriosclerotic heart disease with obesity as a contributing factor. The Law Judge established the case as compensable and the Board Panel affirmed. This appeal ensued.

Holding: *Affirmed*

Discussion: This is an unwitnessed and unexplained death of an employee during the course of the decedent's employment and therefore WCL §21 (1) provides a presumption that the claim is compensable and relieves the claimant from the burden of producing prima facie medical evidence of causal relationship. In this case, the carrier rebutted that presumption by producing a consultant's report that the death likely resulted from non-work related reasons. At this point, the burden shifted back to the claimant to prove that the death was causally related to the decedent's work.

The claimant satisfied this by producing a report and testimony from a doctor that the decedent's work related stress was a significant contributing factor to the decedent's death. Essentially this amounted to a factual determination made by the Board that will not be disturbed by the Court as it is based on substantial evidence.