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Supreme Court, Appellate Division, Third Department, New York

Matter of BARBARA PICKERD, respondent

v

PARAGON ENVIRONMENTAL CONSTRUCTION, INC. et. al, appellants

and

WORKERS' COMPENSATION BOARD, Respondent.

Decided May 24, 2018

Facts: Decedent had a myocardial infarction while removing a gas tank at work. Carrier controverted on the basis that the MI was due to pre-existing factors and was not work-related. The claim was established as a compensable death claim, carrier appealed, and the Board Panel Affirmed.

Holding: *Affirmed.*

Discussion: A heart injury precipitated by work-related physical strain is compensable, even if a pre-existing pathology may have been a contributing factor and the physical exertion was no more severe than that regularly encountered by the claimant. The Board's finding that decedent's death is causally-related to his work activity is supported by substantial evidence and will not be disturbed.