Automated External Defibrillators Fatality Report



Martan Kelly Jr. was a technician for Card Heating & Air Conditioning in Pennsylvania. He reported to work at a funeral home where the company was installing heating and air condition in equipment. He told his foreman that he felt weak, tired and had a kink in his neck from sleeping poorly the night before. Kelly declined an offer to go home and was given a light-duty assignment of running thermostat wire.

Feeling better around noon, Kelly decided to run wire in the attic of the one-story building by climbing a 12-15-foot ladder. A short time later, employees heard moaning coming from the attic and found Kelly lying incoherent on the floor, bleeding from his head, face and leg.

Kelly was pronounced dead at a local hospital a short time later.

An autopsy revealed coronary artery and heart disease, three heart arteries significantly blocked (60- 90%), and 90% stenosis of the left main descending coronary artery. The cause of death was a heart attack.

Kelly’s widow testified he didn’t have any health problems, didn’t complain about chest pain, never saw a heart doctor and wasn’t on any medications. She acknowledged her husband smoked a pack of cigarettes a day for the last 30 years.

Card’s foreman also testified about how Kelly said he felt when he arrived for work the day he died. The foreman said he would not consider running wire to be physical labor, rather it was light duty work.

Card also had a doctor board certified in cardiovascular disease testify. The company’s doctor didn’t believe Kelly’s heart attack was work-related. The company’s doctor said Kelly’s pre-existing coronary artery disease put him at a high risk for a sudden cardiac death. Since three of his arteries were so severely blocked, he was an imminent risk for a heart attack whether he was working or not.

The company doctor also said Kelly had been suffering from insufficient blood flow to the heart for 8 to 12 hours before coming to work. The doctor noted Kelly slept in a recliner chair the previous night because he wasn’t able to lie

flat in bed due to his cardiac symptoms.

The WCJ ruled in favor of the company. The judge found the company doctor's testimony to be more credible and agreed with the foreman that the work Kelly was doing wasn't strenuous. The judge also noted Kelly's pre-existing blockages that put him at risk of an imminent heart attack with or without physical exertion.

Kelly's heart attack happened at work, so there's no question it arose in the course of employment. The question is whether it was related to employment.

If a worker's sudden cardiac death isn't obviously caused by work, a connection must be established by "unequivocal medical testimony."

Kelly's widow argued the Board erred because there wasn't proof, he was having symptoms 8 to 12 hours before the heart attack as the company doctor said.