# Heart Attacks Fatality Report



Martan Kelly Jr. was a technician for Card Heating & Air Conditioning in Pennsylvania. One morning, he reported to work at a funeral home where the company was installing heating and air conditioning 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 filed a workers’ compensation claim for survivors’ benefits, claiming his heart attack occurred as a result of his employment. Card denied the claim, and the case went before a workers’ comp judge (WCJ).

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.

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 doctor also said Kelly’s duties the day he died were insufficient to cause the heart attack. Climbing the ladder wouldn’t have elevated Kelly’s heart rate enough to cause a cardiac event unless he had done it quickly or repeatedly and for more than nine minutes.

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 widow appealed, and the Pennsylvania Workers’ Compensation Appeal Board affirmed the WCJ’s ruling. She took her case to a state court

**Not enough proof it was work-related**

The burden is on the claimant (in this case Kelly’s widow) to show that a fatal heart attack is work-related. Specifically, the claimant must show the heart attack:

- arose in the course of employment, and
- was related to employment.