

BEFORE THE MISSISSIPPI WORKERS' COMPENSATION COMMISSION
MWCC NO. 1110006-M-1374

MELISSA LANGLEY, WIFE; and
DAKOTA LANGLEY, COLTON LANGLEY
AND HARLEY LANGLEY, CHILDREN OF
JOE (JOEY) LANGLEY, DECEASED

CLAIMANT

VERSUS

WADDLE TRUCKING, LLC

EMPLOYER

AND

DALLAS NATIONAL INSURANCE COMPANY

CARRIER

REPRESENTING THE CLAIMANT:

John P. Fox Esquire, Houston, Ms.

REPRESENTING THE EMPLOYER/CARRIER:

Leland S. Smith, Esquire, Jackson, Ms.

OPINION OF THE ADMINISTRATIVE JUDGE

A hearing on the merits was held at which time the parties agreed to the following stipulations and issues.

STIPULATIONS

1. Claimant's average weekly wage at the time of the alleged injury was \$1500.00; and
2. The date of injury was July 12, 2011.

ISSUES

1. Whether the deceased heart attack is compensable under the Mississippi Workers' Compensation Act.

WILKINS PATTERSON

MAY 01 2015

EVIDENCE

Evidence was entered into this cause as follows:

General Exhibit 1: First Report of Injury

Claimant's Exhibit 2: Medical Records - Based on the objection of counsel for the Employer/Carrier, these records were previously marked as ID-"A". It is the opinion of this Administrative Judge that these documents should be admitted into evidence and as such, are marked as Exhibit "2".

Claimant's Exhibit 3: Deposition of Betty Waddle - Based on the objection of counsel for the Employer/Carrier that it presents no new evidence this deposition was previously marked as ID-"B". It is the opinion of this Administrative Judge that this document should be admitted into evidence and is marked as Claimant's Exhibit "3".

SUMMARY OF RELEVANT EVIDENCE

Lay Testimony

The only witness called during the hearing was the Decedent's widow, Melissa Langley, who has remarried. Ms. Langley testified that she and the Decedent have three (3) sons. At the time of the accident, they had filed for divorce; however, it had not been finalized at the time of Mr. Langley's death. It is her testimony that the Decedent was paying her approximately \$980.00 per week and was employed with Waddle Trucking. This was the only lay testimony provided.

No medical testimony was provided at the time of hearing and there is no medical evidence to substantiate the Claimant's argument that Decedent died as the result of any injuries suffered in the motor vehicle accident. To the contrary, the medical examiner's certificate states that the immediate cause of the Decedent's death was, "Hypertensive and atherosclerotic

cardiovascular disease.” Mr. Langley was 42 years old at the time of his death and noted to be overweight.

From the onset of this action, Employer/Carrier have denied that the Decedent’s death was caused by a work related accident. Rather, they maintain that as reflected in the Death Certificate of Joey Langley and in the Report of Autopsy, the cause of death was, “Hypertensive and atherosclerotic cardiovascular disease”.

Although Decedent’s surviving spouse alleges knowledge of work connection was imputed from the fact that Decedent died while driving the operating an eighteen wheeler vehicle, these facts alone do not establish work connection. See *Union Producing Co. v. Simpson’s Dependents*, 251 Miss. 183, 168 So. 2d 808 (1964)(award denied where employee with pre-existing heart condition had onset of heart attack at his desk and died shortly thereafter at the hospital: “This Court has never held that the mere presence of an employee at work is sufficient in itself to constitute causal connection.”) Although a pre-existing condition such as atherosclerotic cardiovascular disease can combine with work to produce a compensable injury or death, medical proof is necessary to establish this nexus, and, in this case, there is no such medical proof. *Cole v. Superior Coach Corp.*, 234 Miss. 287, 106 So. 2d 71 (1958) (“In all but the simple and routine cases..., it is necessary to establish medical causation by expert testimony.”).

DECISION

Based on the following facts concerning Mr. Langley’s death: (1) his medical history of

hypertensive and atherosclerotic cardiovascular disease, prior coronary artery bypass graft surgery revealing severe stenosis of two of the three bypass grafts and severe constriction of the right coronary artery; (2) the post-mortem findings; (3) the autopsy finding of no evidence of a lethal internal blunt force trauma that would explain the cause of death resulting in the death being certified as “natural”; and (4) the fact there is no presumption that Decedent’s death was work connected and the lack of medical proof to support such a claim, it is the opinion of the undersigned that this claim should be and is hereby denied and dismissed.

ORDER

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above claim for workers’ compensation benefits is denied and dismissed.

SO ORDERED on APR 30 2015



Joyce Wells

Joyce Wells, Commission Secretary
MWCC NO. 1110006-M-1374

Cindy P. Wilson
CINDY P. WILSON
ADMINISTRATIVE JUDGE