

LEGAL DEVELOPMENTS

172 Heat Exhaustion—Exposure Considered Accidental Injury.

In reversing two prior holdings that a heat stroke produced by the natural heat of the day was not a traumatic injury, but rather a disease and not compensable under the statute, the court affirmed the lower court's holding that shock, overexertion and exposure were personal injuries within the scope of the statute. The court further held that heat strokes were due to exposure to excessive heat. Affirmed. Central Lumber Co. v. Wood, Kentucky Court of Appeals, December 2, 1955. -- Commerce Clearing House

173 Arising Out of Employment—Injury in Company-Sponsored Baseball League—Employer's Control over League's Activities.

An employee was properly compensated for injuries sustained in a company inter-departmental baseball league where the lower court found that: (1) the activities were on the premises of the employer; (2) the employer gave substantial financial support; (3) the employer could halt the program at any time. The court ruled that these facts indicated that the employer had ultimate control over the league activities. Affirmed. Sorino v. Remington Rand, Inc. New York Supreme Court, Appellate Division, Third Judicial Department, No. 350-27, December 23, 1955. -- CCH

174 Wilful Misconduct and Violation of Safety Rule—Electric Shock—Power Lineman—Burden of Proof.

A power lineman for a utility company was properly denied compensation for burns sustained when he came into contact with an energized primary wire where the employer sustained the burden of proving that the injured employee's failure to wear rubber gloves in violation of a company safety rule constituted wilful misconduct precluding him from recovery under the compensation act. Claimant contended that he was not guilty of wilful misconduct and if so, the evidence was not sufficient to establish that his misconduct proximately caused his injury. The evidence showed that one of the gloves claimant was wearing showed evidence of a burn which indicated that the claimant touched the live wire with his hand. The court ruled that if a safety rule is reasonable and is known to the employee and is for his benefit, and yet he intentionally does the forbidden act, then he is guilty of wilful misconduct within the meaning of the statute. Affirmed. Mills v. Virginia Electric and Power Co. Virginia Supreme Court of Appeals, No. 4411, November 28, 1955. -- CCH

175 Death Benefits—Causal Connection Between Coronary Insufficiency and Myocardial Infarction.

The dependent wife of a rubber company employee was properly awarded death benefits for the death of her husband where the evidence was sufficient to sustain the finding that there was a causal connection between a coronary insufficiency and his death due to a myocardial infarction three years later. The employer contended that the board's finding was based on a contradictory premise; that the original injury in the nature of coronary insufficiency cannot be reconciled with the finding that the medical testimony to the effect that the first attack resulted in a pathological change in the heart muscles which was directly responsible for his death three years later was supported by the evidence. Affirmed. Parker v. United States Rubber Reclaiming Co. New York Supreme Court, Appellate Division, Third Judicial Department, No. 248-16, October 6, 1954. CH