

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

LOC TUNG DOAN (DECEASED);  
THI TU DOAN (WIDOW),  
THI TU VAN DOAN (MINOR DAUGHTER),  
ET AL.,

*Applicants,*

vs.

NORTHROP CORPORATION;  
NATIONAL UNION FIRE INS. CO.,  
*Defendants.*

Case No. ANA 0288915

**FINDINGS AND ORDER**

Application having been filed herein and the matter having been duly submitted for decision, the Honorable Charles E. Mattson, Workers' Compensation Judge, Finds and Order as follows:

**FINDINGS OF FACT**

(1) LOC TUNG DOAN, born JULY 7, 1934, while employed on MARCH 4, 1993, as an AIRCRAFT MECHANIC, at HAWTHORNE, California, by NORTHROP GRUMMAN CORPORATION, insured by NATIONAL UNION FIRE INSURANCE COMPANY, did not sustain injury as alleged herein. The death was not a result of industrial injury. The applicants include the surviving widow and a minor daughter wholly dependent upon decedent.

(2) Defendant shall pay the medical-legal lien claims in accordance with the level paid the defendant's doctor herein. The medical (QME) lien claimant and defendant may informally adjust the amount due.

**ORDER**

**IT IS HEREBY ORDERED** that defendant shall pay the medical-legal lien claims as specified in Finding #2.

**IT IS FURTHER ORDERED** that defendant shall file a Declaration of Readiness and request a lien conference on disputed amounts on unpaid lien claims within 20 days.

Served on parties as shown on  
the Official Address Record:

Date: NOV 21 1995

By

*T. S. Garcia*

Tess Garcia



CHARLES E. MATTSON  
Workers' Compensation Judge

CASE NUMBER ANA 0288915

LOC TUNG DOAN vs. NORTHROP CORPORATION;  
NATIONAL UNION FIRE INSURANCE CO.

Workers' Compensation Judge:  
Charles E. Mattson  
Date: November 21, 1995

NORMAN HOMEN  
Attorney for Applicant

KEGEL, TOBIN & TRUCE By: W. Joseph Truce  
Attorney for Defendant

OPINION ON DECISION

This matter was heard on 10-30-95. Applicant's Trial Brief was served and filed 10-31-95. Defendant's Trial Brief was filed 11-17-95.

INJURY-CAUSE OF DEATH

The deceased employee, Loc Tung Doan, filed a claim for injury sustained on 3-4-93, alleging injury from a stroke due to stress and strain on the job. The applicants herein (the surviving widow, Thi Tu Doan, and a son and two daughters, including a minor daughter, Thi Tu Van Doan) allege that the injury sustained on 3-4-93 was a stroke and heart attack resulting in death on 7-28-94. See Application filed 10-17-94.

It is undisputed that the deceased employee was at work on 3-4-93 when he sustained injury from a stroke caused by a cerebral hemorrhage. This stroke was treated with surgery, including evacuation of the subdural and intracerebral hemorrhage. Decedent remained in a vegetative state thereafter and death occurred on 7-28-94. The stroke was a significant cause of death in this case.

The defendant denies that the stroke was a result of industrial injury; applicant alleges the deceased sustained injury arising out of and occurring in the course of employment resulting in the stroke and subsequent death.

On 3-4-93 the applicant was at work when a stroke occurred; he was taken by paramedic ambulance from Northrop to a hospital. His blood

pressure was first recorded as 140/90 at 1500 hours, it rose thereafter. Dr. Donald B. Miller performed surgery on 3-4-93.

The surgeon (Dr. Donald B. Miller) reported disability from right intracerebral hematoma and intraventricular hematoma, right side; he reported an opinion that the disability was not due to a condition arising from the occupation; applicant was hospitalized at Robert F. Kennedy Medical Center. See doctor's statement of disability dated 3-16-93. On 3-4-93, Dr. Philip Martin, M.D., on ER evaluation at the hospital, reported an impression of acute hemorrhagic cerebrovascular accident and hypertension. This report stated blood pressure was 140/90; patient was unresponsive to noxious stimuli. See records, Exhibit 1.

The parties obtained further medical opinions. Applicant relies upon Dr. Dickstein, M.D. (reports, 6-28-94, review of records, 2-21-95, Exhibit 1). Dr. Dickstein's report dated 6-28-94 was issued after the doctor saw the injured worker on 6-27-94 (at an extended care nursing home) and after receipt of the death certificate dated 7-29-94 (this report was signed 9-12-94).

Dr. Dickstein's opinion was that the stroke and death should be considered industrially related. This conclusion is based upon the doctor's opinion that, in all probability, the patient had pre-existing hypertension. The work of decedent with long hours and "heavy" activities would aggravate the hypertension. If the condition were not under treatment or had arisen recently, the development of a stroke would be likely. Stroke is a common complication of hypertension and heavy activities cause variation in blood pressure which would lead to the rupture of the blood vessels in the brain which leads to hemorrhage, the proximate cause of the stroke herein. See Dr. Dickstein, report dated 6-28-94, pp. 4-5.

On further review of records (a rebuttal to defendant's report from Dr. Sanford Miller dated 11-27-94). Dr. Dickstein repeats his opinion that the hospital history of hypertension can be relied upon. The hospital history (of the surgeon) was negative for trauma but positive for hypertension for the previous three months (see defendant's Exhibit A, Dr. Sanford Miller, 11-27-94, p. 2). Dr. Dickstein again states that the heavy and unpleasant work would be capable of producing fluctuations in blood pressure sufficient to precipitate a stroke. See report, 2-21-95, p. 2, Dr. Dickstein.

The defendant obtained the report of Dr. Sanford Miller dated 11-27-94. Dr. Miller reviewed the medical records and wrote, in effect, a rebuttal to the report of Dr. Dickstein dated 6-28-94 (reviewed by Dr. Miller). Dr. Miller did not state an opinion on the cause of death in this case. The doctor did state that applicant suffered a cerebral hemorrhage while at work at Northrop, was taken to a hospital, admitted, the cerebral hemorrhage progressed and decedent became comatose. This was, in the doctor's opinion, the natural

progression of the intracerebral hemorrhage. Exhibit A, report, Dr. Sanford Miller, 11-27-94, pp. 6-7.

The record does not support the conclusions of Dr. Dickstein. The record does support the conclusion that the decedent, for a period of a year to a year and a half, was attempting to control his blood pressure with control of his diet (i.e., he had hypertension). There is no substantial medical evidence of the degree of this problem and whether or not it was related in any way to the employment in this case. In short, there is no evidence of hypertensive high blood pressure on 3-4-93.

The additional problem with the opinions of Dr. Dickstein is that the evidence does not support the claim that the work of applicant was heavy and unpleasant. There is no evidence the work produced fluctuations in the decedent's blood pressure and precipitated the stroke in this case. The evidence is to the contrary. The months prior to 3-4-93 was a period of limited overtime. See Exhibit 1, pay records. The testimony of applicant's immediate supervisor and the performance reports of that supervisor establish that decedent was a valued employee and had no problems or conflicts with co-workers and his supervisor. There is no evidence of stress arising at work on the day of the stroke (or any other day at work).

#### CONCLUSION

Based on the above, the finding is that the decedent, Loc Tung Doan, did not sustain injury as alleged herein. The death was not a result of industrial injury.

Defendant shall pay the medical-legal lien claims in accordance with the level paid the defendant's doctor herein (ML 104 - Medical-Legal Evaluation, etc., see p. 1, Dr. Sanford Miller). The medical (QME) lien claimant and defendant may informally adjust the amount due. The defendant shall file a Declaration of Readiness and request a lien conference on disputed amounts on unpaid lien claims within 20 days.



CHARLES E. MATTSON  
Workers' Compensation Judge

CEM:tsg