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STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

DONALD HUFF (Deceased);
DIANE MARIE HUFF (Widow),

Applicant,

vs.

AMP, Incorporated;
TRAVELERS INSURANCE CO.

Defendants

Case Nos. ANA 0308851 (MF)
ANA 0308854
ANA 0309349

FINDINGS AND ORDER

Applications for Adjudication of Claim (Death Case) having been filed herein; all parties having appeared at the hearing held April 28, 1998, and the matter having been duly submitted, the Honorable MARYLYNNE B. CASEY, Workers' Compensation Judge, Finds and Orders as follows:

FINDINGS OF FACT

1. It is found that Applicant, DONALD HUFF (Deceased), born July 30, 1946, while employed during the period September 17, 1995 to September 17, 1996 (ANA 0308851); October 12, 1995 (ANA 0308854); and September 17, 1996 (ANA 0309349) as a sales manager in Diamond Bar, California, by AMP, Incorporated, whose workers' compensation insurance carrier was TRAVELERS INSURANCE COMPANY--did not sustain injury arising out of and occurring in the course of employment to his heart and cardiovascular system, as claimed, resulting in his death on September 17, 1996.

2. There is insufficient evidence to prove that Applicant's death was industrially caused.

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3. All other issues are moot.
4. There are no funds available from which attorney fees can be awarded, and none are allowed.


NOW, THEREFORE:

O R D E R

IT IS ORDERED THAT APPLICANT DIANE MARIE HUFF (WIDOW) FOR AND IN BEHALF OF DONALD HUFF (DECEASED), TAKE NOTHING FROM THIS CLAIM AGAINST DEFENDANTS HEREIN.

DATED: 5/13/98
Santa Ana, California


MARYLYNNE B. CASEY
Workers' Compensation Judge

Service by mail on parties shown on the
Official Address Record effected on
Date: MAY 13 1998
By: 
A. G. Sevilla

CASE NOS. ANA 0308851 (ME); ANA 0308554; ANA 0309349

DONALD HUFF (Deceased)
DIANE MARIE HUFF (Widow)

vs.

AMP, INC.
TRAVELERS INSURANCE CO.

MARYLYNNE B. CASEY
Workers' Compensation Judge

DOI: 9/17/95-9/17/96; 10/12/95; 9/17/96

Date: May 13, 1998

JOINT
OPINION ON DECISION

INJURY AOE/COE

Applicant, a sales manager for AMP, Incorporated, was claimed to have sustained injury AOE/COE resulting in his death on September 17, 1996. In support thereof, Applicant's widow testified to Applicant's employment in sales. It was noted that Applicant's earnings would result from a base salary plus a commission. Applicant was responsible for finding and hiring representatives. He would then train them. He would travel.

Applicant's widow testified that he felt the traveling was stressful, along with the commission pay program. However, the picture painted by witnesses Byron Royse and Wallace Holmes, coworkers of the applicant, pointed to an employee who was outgoing and enjoyable to be around. He did not voice any meaningful complaints about stress on the job or problems getting along with coworkers or clients. Applicant was relaxed with his peers. He enjoyed playing golf, and did so on September 16, 1996.

There is some dispute as to Applicant's actual smoking history. Medical records indicate a two-pack per day smoking history for many years. Applicant's widow testified to a smoking history of one pack of cigarettes per day.

Dr. Jay indicated that according to Applicant's widow, Applicant would average 55 hours of work per week. However, testimony at the trial in this matter was that Applicant would work from 40 to 50 hours per week.

Applicant's mother died at the age of 51 as the result of a heart problem. Applicant was noted to be at least slightly obese and did not participate in regular exercise.

Dr. Jay concluded that Applicant's sudden death due to arteriosclerotic cardiovascular disease resulted from the stress Applicant had been under beginning in 1991 and continuing and increasing through 1996. However, the discussion regarding the causation is not convincing. Dr. Jay does discuss Applicant's non-industrial coronary risk factors, but concludes that he feels it was ". . . evident from the history provided by the widow Mrs. Huff, that her late husband had been under significant cumulative occupational stress. . . ."

The court, however, is not convinced that it is evident that the applicant had been under such stress prior to his death. Applicant did not complain of feelings of stress to his coworkers or supervisor. He did well in his position, and was a well-liked, well-respected employee.


Therefore, after consideration of all evidence submitted, it is found that the more substantial medical evidence presented is that of Dr. Miller of July 21, 1997, and that Applicant has not sustained his burden of proving that Applicant's death was caused by or accelerated by his employment by a preponderance of the evidence. Insufficient evidence was provided that Applicant was under stress as the result of his employment.

Therefore, it is found that Applicant shall take nothing from Defendants as the result of the claim for injury resulting in death on September 17, 1996.

ATTORNEY'S FEES

In that there are no funds available from which to award fees, it is found that Applicant's counsel is not entitled to a fee for services provided.

Date: 5/13/98
MBC:ags
cc: Ronald Winters
Kegel, Tobin & Truce


MARYLYNNE B. CASEY
Workers' Compensation Judge