

**THE MONTH IN PENNSYLVANIA WORKERS' COMPENSATION:  
NOVEMBER 2016 AT A GLANCE  
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**CLAIM PETITION/FATAL CLAIM/ MEDICAL TESTIMONY**

- Under Section 301(c)(1), a claimant has the burden of proving by unequivocal evidence that the injury arose in the course of the employment and that the injury was related to that employment

Accordingly, it is a well-established rule that unless there is an obvious causal connection between a worker's death and the work injury, the claimant must present unequivocal medical evidence establishing the connection.

- Claimant was not entitled to the granting of her Fatal Claim Petition where medical evidence presented was not sufficient to establish within a reasonable degree of medical certainty that a delay in providing the claimant medical treatment for a subarachnoid hemorrhage due to the erroneous diagnosis due to the presence of chemicals and assumption there was chemical exposure therein contributed substantially to Decedent's death.

In this matter claimant's medical expert offered no opinion as to what treatment would have been provided or that the delays caused a worsening of the subarachnoid hemorrhage.

Neither a poor outcome, the lessening of the likelihood of achieving a more improved result, nor a reduction in his chances for survival rose to the level of medical evidence required to establish that Decedent would not have died as a result of the non-work related SAH but for the delay in diagnosis and proper treatment caused by Decedent's work conditions.

Accordingly, it was not improper for the WCJ to dismiss Claimant's Fatal Claim Petition for failure to provide prima facie evidence that decedent's death was work related and thus a compensable fatal claim.

*Justus v. WCAB (Bay Valley Foods), No. 1556 C.D. 2015 (Decision by Judge Collins, August 10, 2016) 11/16*