

SAMPLE LEGAL BRIEF

Case Name	<u>Johnson Controls, Inc. v. Russell</u> , 95 S.W. 3d 921 (KY Ct. App. 2002)
Issue	Is a less stringent standard for proof of the proximate cause of death to the date of injury causation for compensable death benefits in Kentucky?
Facts	<p>Appellant, Johnson Controls, Inc. against Appellees, Steven Russell (the deceased), the estate administrator, the ALJ and the WC Board; petitioned KY Court of Appeals for reversal of \$25,000 death benefits to the estate in that the death was only a “proximate cause of the injury, not a “direct result” of the injury.</p> <p>Based on medical proof at initial hearing, the ALJ ruled the cause of death was a direct result of the work-related injury and the estate awarded \$25,000. Johnson Controls twice petitioned for reconsideration and was twice denied. Johnson Controls appealed to the WC Board on that Russell’s death was not a direct result of the work-related injury. The WC Board noted <i>Coleman v. Emily Enterprises</i>, a case heard by Supreme Court and that “proximate cause and direct result” are the same.</p> <p>WC Board held with the ALJ in that its interpretation of “the closer death occurs to the time of injury, the less stringent the proof need for causal connection” The WC Board also held that Legislative interpretation of “proximate cause is synonymous to direct cause.”</p>
Holding	The <i>KY Court of Appeals affirmed the WC Board decision</i> for the injury or hematoma (a result of the injury) was a direct or proximate cause of death and the compensable death benefits awarded and the less stringent proof for causal connection applies.
Opinion	I agree with the courts. The medical profession in my opinion determined the case, in that regardless of hematoma or the infection...the injury had to have occurred to result in one or the other. Since the death occurred within 3-weeks of the injury, the less stringent the proof for the causal connection.
Policy	No specific policy was addressed in this case, but Legislature objectives are implied to be carried out by the state of KY.

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Case Name	Rogers v. Vermont Am. Corp, 936 S.W. 2d 775 (Ky. Ct. App. 1997)
Issue	Is a KY non-work related injury compensable if the underlying condition occurred during employment, but only aroused a disability condition?
Facts	<p>Appellant Donald F. Rogers against Appellee Vermont American Corp., petitioned KY Court of Appeals for compensation benefits denied him by the Workers' Compensation Board who affirmed decision of ALJ. Rogers claims ALJ found a work related condition contributed to his injury, even though the disability was the result of a non-work related condition and Rogers felt he was entitled to compensation.</p> <p>1st treating physician Dr. Nash gave his opinion that the tears did not arise out of employment with Vermont, while Dr. Moss the surgeon gave opinion the tendon tears were in the course of Vermont employment.</p> <p>The WC Board decision was based on the arousal event itself as being compensable, not the underlying condition. But, because the arousal accident occurred while the appellant was not in the course of his employment with Vermont American Corp., the <i>WC Board affirmed the ALJ decision.</i></p>
Holding	The <i>KY Court of Appeals affirmed the WC Board decision</i> for a non-work related incident being non-compensable if the only fact is the non-disabling wear and tear on the arm is aroused into a disabling condition while not in the course of employment.
Opinion	I agree with the courts. I do not believe there was sufficient evidence to say the tendon tears occurred while Rogers was in the course of employment or the tears were caused by his job activities. Although the tendons could have been weakened by work activities and tore while working at home, the "at home activities" could also have weakened the tendons. There is in my opinion, no causal or in the course of relationship to the injury.
Policy	No specific policy was addressed in this case, but it was implied the incident was within the scope of KY Legislature.

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Case Name	Champion v. Beale, 833 S.W. 2d 799 (Ky. 1992)
Issue	Does KC WC Act provide disability compensation for allergic conditions that occur in the course of employment and are also founded in the general population and the general environment?
Facts	<p>Appellant Helen Champion against Appellees Larry Beale, Special Fund Dir., McCracken Board of EDU, ALJ and WC Board appealed to KY Supreme Court for allergic reaction disability benefits. ALJ dismissed the claim, and the Workers' Compensation Board affirmed decision of ALJ. Claimant appealed to Court of Appeals, court affirmed and claimant appealed to the KY Supreme Court.</p> <p><i>ALJ dismissed claim</i> for the allergy condition did not arise out of or in the course of her employment. Claimant was unable to show that she was only symptomatic at work. The ALD also decide that her disability could also be trigger by allergens found in other environments of the general population.</p> <p><i>The WC Board decision</i> was based on the decision and finding of the ALJ, and the KY Court of Appeals also decided with the ALJ.</p>
Holding	The KY Supreme Court held the decision of the KY Court of Appeals, in that the claimant was unable to show that the allergic reaction risks were increased while at work or to show link between her allergies as "arising out of or in the course of employment"
Opinion	I agree with the courts, and it is my opinion the claimant did show her symptoms arose out of the employment, but because her allergies were preexisting, she did not show an increased risk to allergens while on the job. Plus, claimant showed no distinction between symptoms at work and at home, therefore, claimant could not establish that the allergens were specific to the job as opposed to allergens found in the general environment.
Policy	The KY Workers' Compensation Act mentioned in this case that an allergic reaction might be an occupational disease and might be compensable under the Act.

References

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