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Perhaps no illness has caused more national concern than cardiovascular disease. It constitutes the number one killer in this country:[1] of the nearly two million people a year who suffer heart attacks, approximately 600,000 die.[2] Due to the serious effects of the disease, medical experts have been investigating its causes in an effort to arrest its spread. Emotional anxiety and stress have been suggested as major contributors to heart disease and coronary attacks.[3]

The purpose of this article is to examine the possibility of redress under workmen's compensation law in Pennsylvania when stress or emotional strain on the job is identified as the precipitating cause of heart disease in an employee. Although heart attacks had been recognized as compensable injuries in Pennsylvania, the established criteria required for compensation under the workmen's compensation law until 1972 precluded recovery for attacks induced by stress. This article looks at those traditional requirements and the modifications made possible by amendment of the statute as well as the development of case law. It is submitted that in order to be consistent with the underlying policy of permitting recovery for work-

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1. Editor's Introduction to *Medical Aspects of Coronary Care Nursing*, in LEGAL MEDICINE ANNUAL 1974, at 199 (C. Wecht ed. 1974).

2. Wecht, *Coronary Care Units: Legal Considerations*, in LEGAL MEDICINE ANNUAL 1974, at 211 (C. Wecht ed. 1974).

3. "There are several possible mechanisms through which . . . emotional stresses increase cardiac work." 8 TRAUMATIC MEDICINE AND SURGERY FOR THE ATTORNEY 610 (1962). Emotional stress is capable of physically affecting the function of the heart. For example, it produces increases in the heart beat rate and causes other electrocardiographic changes. A positive correlation has been found between emotional stress and heart attacks. Emotional stress has been identified as a major factor in the events preceding the onset of congestive heart failure. 3 CYCLOPEDIA OF MEDICINE, SURGERY, SPECIALTIES 1305 (1975). *See also* 5 TRAUMA 5:23 (Feb. 1964) for results of a study by Morris concluding that emotional strain often precipitates heart disease. "Acute emotional stress, fear, anger and chronic anxiety are important factors in precipitation of heart failure in instances of pre-existing heart disease." 8 TRAUMATIC MEDICINE AND SURGERY FOR THE ATTORNEY 610 (1962).

related injuries, and in recognition of medical findings in the area of cardiovascular disease, the amended law should allow recovery to heart attack victims whose illnesses were induced by stress related to the work environment.

Few people would question the necessity of workmen's compensation laws in a modern industrial society. By enacting such laws, legislatures have attempted to efficiently allocate to the consumer public the cost of an employee's work-connected injuries.[4] Traditionally, the touchstone for the reallocation of these costs had been an "accident" in the course of the worker's employment. The requirement of an accident for recovery was adopted either judicially or legislatively by most states, including Pennsylvania.[5] Con-

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4. 1 A. LARSON, THE LAW OF WORKMEN'S COMPENSATION § 2.20, at 5 (1972).

5. Prior to its amendment in 1972, the Pennsylvania Workmen's Compensation Act declared:

> When employer and employe shall by agreement, . . . accept the provisions of article three of this act, compensation for personal injury to, or for the death of such employe, *by an accident,* in the course of his employment, shall be paid in all cases by the employer . . . .

PA. STAT. ANN. tit. 77, § 431 (1952), *as amended,* (Supp. 1976) (emphasis added) (footnote omitted).

"Injury" and "personal injury" were defined as follows:

> The terms "injury" and "personal injury," . . . shall be construed to mean only violence to the physical structure of the body, and such disease or infection as naturally results therefrom; and wherever death is mentioned as a cause for compensation under this act, it shall mean only death resulting from such violence and its resultant effects . . . .

PA. STAT. ANN. tit. 77, § 411 (1952), *as amended,* PA. STAT. ANN. tit. 77, § 411(1) (Supp. 1976). Although the Pennsylvania Workmen's Compensation Act defined "injury" and "personal injury," the defining of "accident" was left up to the courts. The premier treatment of this problem was in Lacey v. Washburn & Williams Co., 309 Pa. 574, 164 A. 724 (1933), where the Pennsylvania Supreme Court declared:

> The word accident — as used in the act — must be interpreted in its usual, ordinary, popular sense. Webster has defined it as "an event that takes place without one's foresight or expectation; an undesigned, sudden, and unexpected event; chance; contingency." Many courts have quoted this definition, and some have added to or embellished it, but in reality few have improved upon it. It would answer no good purpose to call attention to the many immaterial variations and additions. Our decisions interpreting the word as used in our compensation law have substantially clung to this meaning. In McCauley v. Imperial Woolen Co., 261 Pa. 312, 327, we said: "If the incident which gives rise to the injurious results complained of can be classed properly as a 'mishap,' or 'fortuitous' happening — an 'untoward event, which is not expected or designed' — it is an accident within the meaning of the Workmen's Compensation Law." . . . In Lane v. Horn & Hardart Baking Co., 261 Pa. 329, 333, we said: "Wherever death is mentioned in the statute, it means death resulting only from unforeseen violence to the physical structure of the body and its resultant effects . . . or, in other words, death from 'an accident.'"

strained by this accident requirement, but desirous of fulfilling the humanitarian purposes of the Workmen's Compensation Act,[6] Pennsylvania courts were forced to create numerous exceptions to permit recovery,[7] which made application of the accident requirement extremely unpredictable.[8] Particular problems were confronted when the courts were asked to grant compensation for work-related heart attacks.[9]

Pennsylvania amended its workmen's compensation law in 1972 in response to judicial pleas for legislative action.[10] The most significant statutory change was a concept of "injury" substituted for the requirement of an "accident."[11] The new standard should lessen the

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309 Pa. at 577, 164 A. at 725.

6. The Pennsylvania Superior Court has noted:

> It may be trite to again point out that the Workmen's Compensation Law is a remedial Act passed for the benefit of workers, authorized by the police powers of the State and is frequently referred to as a humanitarian measure. . . . For this purpose it must be liberally construed.

Dupree v. Barney, 193 Pa. Super. 331, 336, 163 A.2d 901, 904 (1960) (citation omitted).

7. *See* Comment, *Pennsylvania Workmen's Compensation: An Analysis of Persistent Problems and Recent Legislative Reform*, 76 DICK. L. REV. 445, 456-57 (1972) [hereinafter cited as *Workmen's Compensation*].

8. In York v. State Workmen's Ins. Fund, 131 Pa. Super. 496, 498, 200 A. 230, 231 (1938), the Pennsylvania Superior Court was forced to admit that "those [accidents] that are compensatory and those that are not compensatory are divided by a line which at times appears indistinct." Commenting upon the accident requirement in the heart cases, Judge Hoffman of the superior court declared:

> The profuse litigation revolving around the accident concept has not only built up a retaining wall against liability in heart cases by a distortion of the language of the Act in light of its derivation and legislative purpose, but has also provided a great source of difficulty in defining a workable rule.

Hamilton v. Procon, Inc., 211 Pa. Super. 446, 460, 236 A.2d 819, 826 (1967) (Hoffman, J., dissenting), *rev'd*, 434 Pa. 90, 252 A.2d 601 (1969).

9. A problem created by the accident requirement in the heart cases is that heart ailments normally develop over a long period of time. Also, the causation factor between the work performance and the cardiovascular injury is more difficult to demonstrate because of the obscure relationship between the two. *See* Comment, *A Reappraisal of the "Unusual Exertion" Doctrine in the "Heart Cases" under Pennsylvania Workmen's Compensation Law*, 46 TEMP. L.Q. 126, 127 (1972). For a criticism of the use of "accident" as the basis for granting compensation in heart cases see Larson, *The "Heart Cases" in Workmen's Compensation: An Analysis and Suggested Solution*, 65 MICH. L. REV. 441 (1967).

"Heart cases" refers to the label given by Larson to those decisions involving injuries designated by the layman 'as heart attack,' 'heart failure,' 'heart damage,' 'precipitation of heart disease,' or 'aggravation of heart condition.'" 1A A. LARSON, THE LAW OF WORKMEN'S COMPENSATION § 38.30 at 36 (1973).

10. Hamilton v. Procon, Inc., 434 Pa. 90, 100, 252 A.2d 601, 606 (1969).

11. Act of Oct. 17, 1972, No. 223, § 2, [1972] Laws of Pa. 930, *amending* Act of March 29, 1972, No. 61, § 7, [1972] Laws of Pa. 159, *amending* Pa. Stat. Ann. tit. 77, § 411 (1952)

former difficulties in permitting compensation for heart attacks. Moreover, the "injury" standard of compensability is applicable to heart attacks induced purely from emotional distress.

Under the former provisions of the Pennsylvania Workmen's Compensation Act,[12] at least four categories of "accidents" were deemed compensable.[13] They included an injury caused by: (1) a blow or physical trauma;[14] (2) unusual exertion which required an unusual amount of effort;[15] (3) an unusual pathological result;[16] or (4) failure of the employer to provide adequate medical treatment.[17] Since few cases are litigated where the heart attack is caused by a blow or physical trauma,[18] the question of recovery in most heart attack cases had been decided on the basis of proof that the employee had unusually exerted himself[19] in the performance of some

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(now codified at PA. STAT. ANN. tit. 77, § 411(1) (Supp. 1976). For the text of the amended statute see text accompanying note 31 *infra*.

12. *See* note 5 *supra*.

13. *See* Hinkle v. H.J. Heinz Co., 7 Pa. Commw. 216, 222, 298 A.2d 632, 635-36 (1972). One commentator has suggested that with heart injuries, there are five categories of compensable accidents. *See generally* McLaughlin, *The Compensability of Heart Injuries Under the Pennsylvania Workmen's Compensation Act*, 21 U. PITT. L. REV. 445 (1960) [hereinafter cited as McLaughlin].

14. *See, e.g.*, Yodis v. Philadelphia & Reading Coal & Iron Co., 269 Pa. 586, 113 A. 73 (1921).

15. *See* Hamilton v. Procon, 434 Pa. 90, 252 A.2d 601 (1969); Royko v. Logan Coal Co., 146 Pa. Super. 449, 462, 22 A.2d 434, 440 (1941).

16. *See* note 19 *infra*.

17. *See, e.g.*, Baur v. Mesta Mach. Co., 405 Pa. 617, 176 A.2d 684 (1961).

18. *See* McLaughlin, *supra* note 13, at 457.

19. For the origin of the unusual exertion doctrine in Pennsylvania see McLaughlin, *supra* note 13, at 459-61. In establishing unusual strain, three questions had to be answered in order for the claimant to recover: (1) was the task unusual work for the decedent or claimant; (2) was there unusual effort or exertion; and (3) was the unusual strain or exertion the cause of the decedent's death or the claimant's injury. Pudlosky v. Follmer Truck Co., 206 Pa. Super. 450, 214 A.2d 270 (1965).

The next most widely invoked avenue for compensation in the heart cases was the unusual pathological result. This test was originated by the Pennsylvania Supreme Court in Parks v. Miller Printing Mach. Co., 336 Pa. 455, 459, 9 A.2d 742, 744 (1939). The test was part of an overall effort by the court to guide the adjudication of a perplexing and repetitious issue: whether prostration or a disease contracted as a result of exposure to heat, cold or other unusual environmental conditions constituted an accident under the Pennsylvania Workmen's Compensation Act. The unusual pathological result test declares that where an employee sustains a sudden and unexpected injury while voluntarily performing work under ordinary and normal circumstances, he is entitled to compensation. *See, e.g.*, Wance v. Gettig Eng'r. & Mfg. Co., 204 Pa. Super. 297, 204 A.2d 492 (1964) (torn knee cartilage as a result of continuous pedaling is an unusual pathological result). Applying this theory to a heart attack situation, the heart attack would be compensable where a healthy employee suffers an attack while working under normal conditions; the absence of any prior heart trouble would by

work-related effort.[20] Pennsylvania law also required proof that the effort was unusual to the claimant's occupation.[21] For example, prior to 1969, if a carpenter sustained a heart attack, it was necessary for him to show that the work-related effort which was claimed to be an unusual act was over and above what an ordinary carpenter would do on an ordinary day.[22] Therefore, as in other work injuries, there was "an objective standard of unusuality" which had to be pleaded and proved in order to sustain an award of benefits in work-related heart attack cases.

In 1969, the Pennsylvania Supreme Court replaced the objective standard of unusuality with a subjective one in the landmark case of *Hamilton v. Procon, Inc.*[23] Although the supreme court retained the unusual strain doctrine, the court indicated its displeasure with it and urged legislative action.[24] The court found the doctrine faulty in three respects. The first flaw was its prerequisite that "the accidental character of an injury must be found in the cause, rather than in the result."[25] The court declared that the requirement's emphasis on cause, rather than result, was "especially anomalous in Pennsylvania"[26] since Pennsylvania had already recognized the unusual pathological result test which placed the emphasis entirely on result.[27] Secondly, the court noted that the doctrine erroneously

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inference indicate that the attack was caused by some external element or force. Hamilton v. Procon, Inc., 211 Pa. Super. 446, 451 n.2, 236 A.2d 819, 821 n.2 (1967) (Hoffman, J., dissenting), *rev'd*, 434 Pa. 90, 252 A.2d 601 (1969). For a treatment of the unusual pathological result test in heart cases see McLaughlin, *supra* note 13, at 472-82. *See generally* Barbieri & Quinn, *The Unusual Pathological Result Doctrine in Pennsylvania*, 39 TEMP. L.Q. 51 (1965).

20. *See, e.g.*, Miller v. Fred Schiffner & Sons, 196 Pa. Super. 84, 173 A.2d 707 (1961); Sadusky v. Susquehanna Collieries Co., 139 Pa. Super. 595, 12 A.2d 828 (1940).

21. *See, e.g.*, Lorigan v. W.O. Gulbranson, Inc., 184 Pa. Super. 251, 132 A.2d 695 (1957); Lemmon v. Pennsylvania Dep't of Highways, 164 Pa. Super. 254, 63 A.2d 684 (1949).

22. *See, e.g.*, Billick v. Republic Steel Corp., 214 Pa. Super. 267, 257 A.2d 589 (1969) (lumberman's heart attack not due to unusual strain); McGowan v. Upper Darby Pet Supply, 207 Pa. Super. 329, 217 A.2d 846 (1966) (meat cutter's heart attack after carrying meat not due to unusual exertion); Pudlosky v. Follmer Trucking Co., 206 Pa. Super. 450, 214 A.2d 270 (1965) (truck driver's heart attack after attaching chains to truck not caused by unusual exertion); Urbasik v. City of Johnstown, 198 Pa. Super. 232, 182 A.2d 90 (1962) (fireman's heart attack after driving old fire truck not caused by unusual exertion); Bonaduce v. Transcontinental Gas Pipe Line Corp., 190 Pa. Super. 319, 154 A.2d 298 (1959) (engineer's heart attack after overhauling heavy machinery not accidental since the work was similar to that performed in the past).

23. 434 Pa. 90, 252 A.2d 601 (1969).

24. *Id.* at 96, 252 A.2d at 604.

25. *Id.*

26. *Id.*

27. *See* note 19 *supra*.

assumed "that that which is unusual is necessarily accidental."[28] Finally, the court stated that the doctrine was unworkable because it was too difficult to interpret what an unusual strain was in a particular situation.[29] Having determined that the unusual strain doctrine was vulnerable for three reasons, the court in *Hamilton* held that the doctrine was to be applied "according to the work history of the individual involved and not according to the work patterns of his profession in general."[30] The unanimous supreme court decision was a legal giant step toward allowing workmen's compensation recoveries for those who suffered work-related heart attacks and provided the intellectual genesis for legislative change in the law.

A new standard for compensability for any employee injury was set forth in the 1972 amendments to the Pennsylvania Workmen's Compensation Act. The relevant section states:

> The terms "injury" and "personal injury," as used in this act, shall be construed to mean an injury to an employe, regardless of his previous physical condition, arising in the course of his employment and related thereto, and such disease or infection as naturally results from the injury or is aggravated, reactivated or accelerated by the injury . . . .[31]

The fulcrum of compensability under the 1972 amendments is not an employee's "accident," but an "injury arising out of the course of his employment and related thereto"; this standard expands the entire basis of compensation.[32] Futhermore, language in the amendments indicates legislative intent to include those injuries which may have only a tangential relationship to the premises of the employer.[33] Perhaps most significant for heart attack victims, the injury may be compensable regardless of the employee's previous

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28. Hamilton v. Procon, 434 Pa. 90, 96, 252 A.2d 601, 604, (1969), *citing* Royko v. Logan Coal Co., 146 Pa. Super. 449, 462, 22 A.2d 434, 440 (1941).

29. 434 Pa. at 97, 252 A.2d at 604.

30. 434 Pa. at 99, 252 A.2d at 605.

31. PA. STAT. ANN. tit. 77, § 411(1) (Supp. 1976), *amending* PA. STAT. ANN. tit. 77, § 411 (1952).

32. *Compare* text of the amended statutory provision, text accompanying note 31 *supra*, *with* the former provisions, note 5 *supra*.

33. The only express exclusions from the ambit of compensability provided by the legislature are those personal assault cases where an employee is injured by the assault of a third person arising out of a purely personal dispute in a matter not related to the business interests of the employer. *See* PA. STAT. ANN. tit. 77, § 411(1) (Supp. 1976).

medical condition; past medical history is not even to be considered as a causative factor.[34] Few cases in the commonwealth court have involved interpretation of the new standard; those the court has considered suggest a liberal construction will be applied. In *Workmen's Compensation Appeal Board v. Chamberlain Manufacturing Corp.*,[35] the court first referred to the new standard.[36] The case involved a claimant who had sustained a hernia while performing his normal work duties in an unusual manner. The claimant could not be treated by remedial surgery because of a confessed alcoholic problem and related liver damage. Despite the history of alcoholism, the court found that the hernia was compensable under the new standard. The commonwealth court in *Workmen's Compensation Appeal Board v. Jeddo Highland Coal Co.*,[37] was faced with the issue of whether a fatal heart attack suffered by the claimant's husband was a compensable injury under the newly amended Pennsylvania Workmen's Compensation Act. Based on a physician's testimony that the heart attack was related to heavy lifting by the decedent at work, the court held that the attack was compensable.[38]

It would be consistent with the new standard to include stress heart attacks as compensable injuries. However, notwithstanding the *Chamberlain*[39] and *Jeddo*[40] decisions, victims of stress-related heart attacks should be wary; since the standard is still developing, there may be obstacles to overcome in order to obtain relief. Old case law lobbies against recovery,[41] and it is still unclear how a stress heart attack may be proven. Under the old law, there was a legacy of cases which frowned upon emotional fright or excitation as a foundation for a compensable injury under Pennsylvania law.[42] These precedents against compensation should not inhibit recoveries for stress heart attacks under the new law, despite a tendency

34. *See Workmen's Compensation, supra* note 7, at 465 & n.148.
35. 18 Pa. Commw. 572, 336 A.2d 659 (1975).
36. *Id.* at 576, 336 A.2d at 661.
37. 19 Pa. Commw. 90, 338 A.2d 744 (1975).
38. *Id.* at 94, 338 A.2d at 747.
39. 18 Pa. Commw. 572, 336 A.2d 659 (1975).
40. 19 Pa. Commw. 90, 338 A.2d 744 (1975).
41. *See* notes 19-22 and accompanying text *supra*.
42. *See, e.g.*, Liscio v. S. Makransky & Sons, 147 Pa. Super. 483, 24 A.2d 136 (1942); Fesenbek v. City of Philadelphia, 144 Pa. Super. 99, 18 A.2d 448 (1941); Hoffman v. Rhoads Constr. Co., 113 Pa. Super. 55, 172 A. 33 (1934). *But see* Hunter v. St. Mary's Natural Gas Co., 122 Pa. Super. 300, 186 A. 325 (1936).

of lawyers to carry old case law into the interpretations of new legislative standards. Indeed, there is nothing in the legislation that currently exists, or in the recent decisions of the commonwealth court involving the new amendments, which precludes an award of benefits for a stress heart attack. The question of what constitutes adequate proof of a stress heart attack may also be answered: if a credible medical witness supports the conclusion that either physical or emotional stress on the job induced the heart attack, and if that evidence is believed by the referee and affirmed by the board, the commonwealth court should uphold the finding.[43] Certainly, where the stress-related heart attack occurs at work, or immediately after completing a job-related task, there is more rational support for an award of benefits under the amended law than there was for some heart attack awards under the "accident" standard; indeed, under the old standard there have been a number of decisions awarding recovery for heart attacks on rather questionable grounds. For instance, in *Workmen's Compensation Appeal Board v. Allied Chemical Corp.*,[44] decedent had suffered burn injuries at the Allied Chemical plant in 1966 and was similarly injured in 1970. He died of a heart attack in 1973. Although the hiatus between injury and death was protracted, the referee found that the individual accidents of 1966 and 1970 hastened and accelerated the death of the decedent. Because the expert opinion of a doctor was deemed credible by the referee, the commonwealth court affirmed the referee's conclusion.[45] The tenuous link between the injuries in 1966 and 1970 and the heart attack in 1973 was established by the doctor's testimony that the injuries prematurely induced the heart attack. In contrast to *Allied Chemical Corp.*, there is far more reason to hold a stress heart attack compensable under the 1972 amendments. However, since *Allied Chemical Corp.* involved clear "industrial accidents," there was a somewhat slavish adherence to the old, familiar "accident" formula in order to permit recovery.

The current Workmen's Compensation Appeal Board appears to have laid the groundwork for upholding compensability of stress

43. In a workman's compensation case, the referee is the fact finder; thus, he is entitled to weigh the evidence. The commonwealth court has often held that if the referee's verdict is supported by the evidence, it will be upheld. *See, e.g.*, Workmen's Comp. App. Bd. v. Kanell Jewelers, 22 Pa. Commw. 1, 3, 347 A.2d 500, 501 (1975); Workmen's Comp. App. Bd. v. Continental Meat Co., 22 Pa. Commw. 37, 40, 347 A.2d 318, 320 (1975).

44. 20 Pa. Commw. 562, 342 A.2d 766 (1975).

45. *Id.* at 566, 342 A.2d at 768.

heart attacks in Pennsylvania under the new standard. In *Squillacioti v. Bernard S. Pincus Co.*,[46] the board indicated that a stress heart attack was compensable.[47] According to the chairman, no accident is necessary; no proof of overexertion is required. The preexistence of cardiovascular disease is also unimportant. The only prerequisite for recovery under the amended law is that there be a true causal nexus — either physical or emotional[48] — between the victim's employment and the development of a heart condition. The decision was affirmed by the commonwealth court.[49]

The *Squillacioti* decision is laudable because it demonstrates the proper focus of the 1972 amendments: cause and effect is the touchstone of compensability. Under the old law, there was an almost obsessional concern with the nature of the cause;[50] under the new law, the nature of the cause is irrelevant. The old law denied recovery for heart attacks when it was asserted they were related to work-connected stress.[51] The 1972 amendments appear to permit recovery when an injury involves work-related stress and therefore are in line with current medical thinking that stress can cause heart ailments.[52]

Further support for this interpretation of the 1972 amendments may be garnered from decisions in several other states which have declared that emotionally induced heart attacks are compensable. The Mississippi Supreme Court has held that a heart attack precipitated by the frustrations of on-the-job personality conflicts is com-

46. No. A-69097 (Work. Comp. App. Bd. April 17, 1975), *aff'd sub nom.* Workmen's Comp. App. Bd. v. Bernard S. Pincus Co., 357 A.2d 707 (Pa. Commw. 1976).

47. The board determined that the new statutory language in Pennyslvania is similar to the California workmen's compensation statute. Accordingly, the board referred to California case law in determining what is meant by "an injury arising out of employment," and noted that the California Supreme Court has held that heart attacks induced by emotional stress are compensable. The board went on to state: "we conclude that Pennsylvania is in accord with the California policy." No. A-69097 (Work. Comp. App. Bd. April 17, 1975) at 11. *See* note 55 and accompanying text *infra*.

48. No. A-69097 (Work. Comp. App. Bd. April 17, 1975) at 11.

49. Workmen's Comp. App. Bd. v. Bernard S. Pincus Co., 357 A.2d 707 (Pa. Commw. 1976). The opinion asserted: "This Court has repeatedly held that where a decedent . . . was performing his usual job assignment at the time of his fatal heart attack, and the connection between his work and the heart attack was supported by testimony of a physician, that the death was directly related to his work, decedent's claimant was entitled to benefits [under the Pennsylvania Workmen's Compensation Act]." *Id.* at 708.

50. *See* notes 14-22 and accompanying text *supra*.

51. *See, e.g.*, McGaw v. Town of Bloomsburg, 214 Pa. Super. 342, 257 A.2d 622 (1969); Bussone v. Sinclair Ref. Co., 210 Pa. Super. 442, 234 A.2d 195 (1967); Everitt v. Baker Refrigerator Co., 197 Pa. Super. 611, 180 A.2d 114 (1962).

52. *See* note 3 *supra*.

pensable.[53] According to the court, recovery should not be denied, even though the employee's heart condition had developed over a period of months.[54] The California Court of Appeals has concluded: "[I]t is well-settled that an employee subjected to repeated physical or mental strain over an extended period of time who suffers a vascular accident as a result thereof is entitled to compensation."[55] New York similarly has recognized the compensability of a heart attack caused by anxiety. In *Lagona v. Starpoint Central School,*[56] an assistant principal, who had been exhausted by a particularly trying day at school, suffered a heart attack on the way home. The court held that the facts met the test that a heart attack is compensable if the events inducing the heart attack involved "undue stress and strain beyond the ordinary wear and tear of life."[57] Recently, Georgia awarded compensation for a stress heart attack[58] sustained by a policeman shortly after he went on duty. The policeman had been fearful of losing his job; he rode alone in his patrol car and was required to cover an area that was too large for one man to handle; additionally, he had just been transferred. The court held that his heart attack was compensable even though a doctor's expert testimony went only so far as to suggest that "work-connected emotional stress might or could have contributed to his heart attack."[59]

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53. Mississippi Research & Dev. Center v. Dependents of Shults, 287 So. 2d 273 (Miss. 1973).

54. *Id.* at 276. The heart attack victim was known to work longer, more intense hours than the average employee; he had also become nervous and unhappy with his employment. It was held that a resulting heart attack was an " 'injury . . . arising out of and in the course of employment.' " *Id.* at 275 (citation omitted).

55. Greenberg v. Workmen's Comp. App. Bd., 37 Cal. App. 3d 792, 798, 112 Cal. Rptr. 626, 629 (1974). A pharmacist customarily filled about 30 percent more prescriptions each day than the average pharmacist. The court found that the employee's extraordinary work load made his job stressful, and allowed recovery for a heart attack. The court ruled it did not matter that the victim was considerably overweight or that there was a history of cardiac illness in the victim's family.

56. 50 App. Div. 2d 236, 377 N.Y.S.2d 680 (1975).

57. *Id.* at 237, 377 N.Y.S.2d at 681. The court concluded that the heart attack was compensable since it was brought on by overexertion or strain in the course of the victim's daily work, even though a preexisting pathology may have been a contributing factor. *But see* Millar v. Town of Newburgh, 43 App. Div. 2d 641, 349 N.Y.S.2d 218 (1973), where the court determined that an employee could not recover for a heart attack. Emotional stress apparently had resulted from the company's hiring of a new employee at better pay. The court reasoned that all individuals experience conflicts at work, and if all illnesses stemming from these confrontations were compensable, there would be no way to place a limit upon workmen's compensation recoveries.

58. City Council v. Williams, 137 Ga. App. 177, 223 S.E.2d 227 (1976).

59. *Id.* at 178, 223 S.E.2d at 228.

It is hoped that Pennsylvania will follow the direction of the commonwealth court, as evidenced by that court's affirmation of the appeal board's decision in *Squillacioti*,[60] as well as the trend of several other states,[61] and permit recovery for stress heart attacks. Compensability falls within the parameters of the new law and, properly understood, the 1972 legislative standard is not an irrational "giveaway" by the legislature to the workman. Indeed, the new legislative standard and its budding interpretations in the area of stress heart attacks should reflect an effort on the part of the legal community to fashion guidelines for recovery that are medically acceptable and realistically permit compensation for this malady which affects thousands of men and women in the work arena.

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60. No. A-69097 (Work. Comp. App. Bd. April 17, 1975).

61. *See* notes 53-59 and accompanying text *supra*. *See also* Leming v. Federal Pac. Elec. Co., 59 N.J. 512, 284 A.2d 182 (1971), where a compensation award was allowed for a heart attack induced by additional work and pressure on the job. Decedent engineer, for two weeks prior to his death, had worked overtime every night, which he had never been required to do before. He left for a business trip at 6 a.m. on the day preceding the heart attack and did not return home until 8 p.m. The additional work and pressure, it was held, had a marked debilitating effect on him and precipitated the heart attack.