

BEFORE THE INDUSTRIAL ACCIDENT BOARD
OF THE STATE OF DELAWARE

SHANTELE MORALES,)	
)	
Employee,)	
)	
v.)	Hearing No. 1384859
)	
STATE OF DELAWARE,)	
)	
Employer.)	

DECISION ON PETITION TO DETERMINE COMPENSATION DUE

Pursuant to due notice of time and place of hearing served on all parties in interest, the above-stated cause came before the Workers' Compensation Board on June 19, 2013, in a Hearing Room of the Board, in Milford, Delaware.

PRESENT:

VICTOR R. EPOLITO JR.

MARY MCKENZIE DANTZLER

Angela M. Fowler, Workers' Compensation Hearing Officer, for the Board

APPEARANCES:

Claimant, *pro se*

Joseph Andrews, Attorney for the Employer

NATURE AND STAGE OF THE PROCEEDINGS

On January 11, 2013, Shantelle Morales ("Claimant") filed a Petition to Determine Compensation Due, alleging that she experienced an episode of syncope while working for the State of Delaware ("Employer"). Claimant seeks a finding of compensability for the injury and payment of related medical expenses. Employer, however, disputes that Claimant's syncope arose out of or was at all related to her employment with Employer.

This is the Board's decision on the merits of Claimant's petition.

SUMMARY OF THE EVIDENCE

Claimant testified that on June 14, 2012, she went to work as a toll booth collector for Employer. While waiting to call into the office regarding a lane closure, Claimant, who felt fine when she arrived at work that day, passed out and hit her head. A co-worker called an ambulance and Claimant was transported to the hospital.

Claimant testified that she is not sure why she passed out and doesn't think that anyone, including her doctors, knows why it happened. She characterized it as a freak accident.

On cross examination, Claimant admitted that her corresponding hospital records document a report that she has a history of syncope that dates back a year. Claimant, however, denied that she had ever passed out before.

Claimant acknowledged that all of the testing conducted on her at the hospital on June 14, 2012 was normal.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Compensability

The Delaware Workers' Compensation Act states that employees are entitled to compensation "for personal injury or death by accident arising out of and in the course of

employment.”¹ Because Claimant has filed the current petition, she has the burden of proof.² The primary issue in this case is one of causation. “The claimant has the burden of proving causation not to a certainty but only by a preponderance of the evidence.”³

The only evidence that Claimant offered was her own testimony which, in summary, reveals that Claimant has no basis to know or believe that her fainting episode was at all causally related to her work for Employer. Claimant admitted that her treating doctors have no idea why she passed out. As such, it is impossible for the Board to determine that this event bares any causal connection to Claimant’s employment. As such, Claimant’s Petition to Determine Compensation Due is DENIED.

STATEMENT OF THE DETERMINATION

For the reasons set forth above, Claimant’s petition is DENIED.

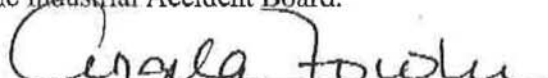
IT IS SO ORDERED THIS 19th DAY OF JUNE, 2013.

INDUSTRIAL ACCIDENT BOARD


VICTOR R. EPOLITO JR.


MARY MCKENZIE BANTZLER

I, Angela M. Fowler, Hearing Officer, hereby certify that the foregoing is a true and correct decision of the Industrial Accident Board.


ANGELA M. FOWLER
Workers’ Compensation Hearing Officer

Mailed Date: 6-20-13

DC
OWC Staff

¹ DEL. CODE ANN. tit. 19, §2304.

² DEL. CODE ANN. tit. 29, §10125(c).

³ *Goicuria v. Kauffman's Furniture*, WL 817889 at *2 (October 30, 1997), *aff'd*, 706 A.2d 26 (Del. 1998).