

Hot Topic: Temperature-Related Injuries and NC Workers' Compensation Law

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Brooke A. Mulenex

By Brooke A. Mulenex on August 5, 2024

In North Carolina, temperature related injuries, such as heat strokes, are generally considered compensable injuries “where the employment subjects [an individual] to a special or particular hazard from the elements, such as excessive heat or cold, likely to produce sunstroke or freezing ...” *Fields v. Tompkins- Johnston Plumbing Co.*, 224 N.C. 841, 842-43, 32 S.E.2d 623, 624 (1945). In determining compensability, the Commission looks to whether the employment subjects the individual to a greater hazard or risk than that to which an individual outside of that employment would otherwise be exposed. *Id.*

For example, in *Fields*, the plaintiff was employed to install plumbing in a building which required installing pipes in the ground and caulking the joints with hot lead. On the date of injury, it was 104 degrees Fahrenheit outside and evidence indicated that the hot lead used raised the air temperature by up to 10 degrees. Plaintiff left work early, reporting that he felt ill and was found twenty-five minutes later slumped over his steering wheel while in an unconscious condition. He died a few hours later from heat exhaustion or sunstroke. The Court of Appeals upheld the Commission's award of benefits on the basis that his work environment, and particularly the increase in temperature by the hot lead, subjected him to an additional hazard which contributed to his death. Likewise, in *Dillingham v. Yeargin Constr. Co.*, 320 N.C. 499, 358 S.E.2d 380 (1987), the plaintiff suffered cardiac arrest at work on a day in June when the outside temperature was at least 85 degrees Fahrenheit. His job required him to work inside a reactor building to repair control valves, and on the day of the incident, he was assigned to an area directly beneath the reactor. For radiation protection, he was required to wear special clothing consisting of a heavy radiation suit including coveralls, plastic boots, rubber boots, cotton gloves, surgical gloves, work gloves, and a hood. To seal any seams or gaps, duct tape was wrapped tightly around his neck, wrist, and ankle areas. After working on the valve in this clothing for approximately thirty minutes, the plaintiff became ill and lost consciousness. He was ultimately diagnosed with cardiac arrest. The Supreme Court reversed the lower Courts' decisions, finding the cardiac arrest compensable, stating “it is clear that the type of heavy clothing required by his employment exposed plaintiff to a greater danger of overheating than that to which he otherwise would have been subjected. Members of the public not so employed would not ordinarily wear heavy layers of clothing such as coveralls, boots, gloves, and a hood in an enclosed space with temperatures reaching 85 degrees.” *Id.* at 504, 358 S.E.2d at 382. Similarly, in *Madison v. International Paper Co.*, 165 N.C. App. 144, 150, 598 S.E.2d 196, 200 (2004), the plaintiff suffered a fatal heart attack after vacuuming lint filters from a pulp dryer that had temperatures reaching up to 200 degrees Fahrenheit inside the dryer when the doors were opened for cleaning. The Court of Appeals concluded that even though plaintiff had pre-existing heart disease, there was abundant expert testimony that heat would make him more

susceptible to a heart attack and that the excessive heat to which his employment exposed him was, in fact, a significant contributing factor in his fatal heart attack.

In contrast, in *Thornburg v. Rainbow Transport*, 178 N.C. App. 743, 632 S.E.2d 599 (2006), the plaintiff was loading and then transporting trash and suffered a stroke, symptoms of which began while loading trash. On the date of the incident, it was 92 degrees Fahrenheit outside. Expert testimony in the claim established hypertension as the “biggest” stroke risk factor, with diabetes, high cholesterol, obesity, and his family history also contributing. While the Court acknowledged the plaintiff’s heightened sensitivity to heat, the evidence confirmed his employment did not subject him to a greater risk of experiencing a stroke and that his pre-existing conditions played the most significant role in causing his stroke.

Please contact us if you have questions about a potential temperature-related claim.