

IN THE COURT OF APPEALS 06/04/96

OF THE

STATE OF MISSISSIPPI

NO. 94-CC-01115 COA

WASHINGTON FURNITURE MANUFACTURING COMPANY, INC.

APPELLANT

v.

EDDIE WASHINGTON

APPELLEE

PER CURIAM AFFIRMANCE MEMORANDUM OPINION

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. HENRY L. LACKEY

COURT FROM WHICH APPEALED: CHICKASAW COUNTY CIRCUIT COURT

ATTORNEYS FOR APPELLANT:

BILL PATTERSON; GARY SILBERMAN

ATTORNEY FOR APPELLEE:

JAMES S. GORE

NATURE OF THE CASE: CIVIL: WORKERS' COMPENSATION

TRIAL COURT DISPOSITION: AFFIRMED COMMISSION AWARD OF 96% PERMANENT
TOTAL DISABILITY

BEFORE BRIDGES, P.J., COLEMAN, AND PAYNE, JJ.

PER CURIAM:

While at work on December 17, 1991, Eddie Washington suffered an acute myocardial infarction. At the time of his heart attack, Washington was cutting material for his employer. The evidence was undisputed that he suffered the attack while on the job. Washington and Dr. Charles Secrest testified at trial that his heart attack could have been attributed to stress caused by his job.

The administrative judge found that Washington was permanently totally disabled, and apportioned the award by ninety-six percent, making four percent of his disability attributable to his employment. The full commission entered an order reversing the administrative judge's order, finding that seventy percent of Washington's permanent total disability was job related, and thirty percent was due to his preexisting coronary disease. The circuit court affirmed this decision.

DISCUSSION OF THE LAW

The Mississippi Workers' Compensation Commission is the finder of facts in a compensation case. *Cooper v. Marathon Freight Lines*, 635 So. 2d 855, 860 (Miss. 1994). The Mississippi Court of Appeals will employ a deferential standard to the commission's findings where they are supported by substantial evidence. *Id.* (citations omitted).

On appeal to the circuit court, the court must also defer to the commission's findings of fact. *Walker Mfg. Co. v. Cantrell*, 577 So. 2d 1243, 1247 (Miss. 1991). In no case can the circuit court substitute its judgment of the facts in place of the full commission's findings when the commission's findings are supported by substantial evidence in the record. *Presto Mfg. Co. v. Teat*, 241 So. 2d 661, 662 (Miss. 1970).

On review to the circuit court, it did not have to pass upon the question of whether Washington's injuries were compensable. Instead, the question to be reviewed by the court was whether the record substantiated the commission's finding that Washington's heart attack was work related. The finder of fact, the commission, found that Washington's heart attack was work related based on the evidence presented.

In determining that Washington's heart attack was work related, the commission evaluated the testimony of Washington and two doctors. Washington testified that he perceived his job as stressful based on the fact that the duties of his job required him to cut quantities of upholstery fabric which would cause a financial loss to his employer if he erred in cutting the patterns. He felt additional pressure by a strong competitive spirit with other employees performing the same job. Dr. Secrest, a physician who provides acute cardiology emergency care for the residents in the area, opined that Washington had very few known risk factors for heart disease, and stated with a reasonable medical certainty that the work-related stress was a contributing factor to his heart attack. Dr. Secrest apportioned Washington's work as seventy percent of the cause of his heart attack.

It was the commission's finding that seventy percent of Washington's disability was work related. This finding is supported by the record, and as such, we affirm the lower court's decision.

THE JUDGMENT OF THE CHICKASAW COUNTY CIRCUIT COURT IS AFFIRMED.

WASHINGTON FURNITURE IS TAXED WITH ALL COSTS OF THIS APPEAL.

**FRAISER, C.J., BRIDGES AND THOMAS, P.J.J., BARBER, COLEMAN, DIAZ, KING,
McMILLIN, PAYNE, AND SOUTHWICK, J.J., CONCUR.**