

BILLY BROWN

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NO. 2001-CA-1889

VERSUS

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COURT OF APPEAL

**IMPERIAL TRADING
COMPANY**

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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MCKAY, J. DISSENTS

I respectfully dissent from the majority's decision to reverse and would affirm the judgment of the Office of Workers' Compensation.

In my opinion, the claimant demonstrated by clear and convincing evidence that his heart-related or perivascular injuries arose out of and in the course of his employment as required by La. R.S. 23:1021 (7)(e). On his way home from work on May 14, 1998, the claimant complained of numbness in his hands and fingers. This was an indication that plaintiff was having a stroke. The claimant's treating neurologist related claimant's physical work at Imperial as the "predominate and major cause" of the stroke. Accordingly, I see no manifest error on the part of the court below.