

www.mcall.com/business/mc-easton-victaulic-workers-comp-stroke-20120220,0,7759761.story

mcall.com

Victaulic foundry employee wins workers' comp for on-the-job stroke

Forks man stricken while working in foundry 'hot room' is partially paralyzed.

By Peter Hall, Of The Morning Call

8:24 PM EST, February 20, 2012

A Forks Township man who suffered a stroke while working in the "hot room" at a Victaulic Co. foundry will receive workers' compensation benefits following a judge's decision in a case an expert described as difficult and unusual.

John Ruschak worked for Victaulic off and on for 22 years before he suffered a stroke at work that left him paralyzed on his left side.

A workers' compensation judge in Allentown ruled last month that the heat and physical stress of his work near the foundry's furnaces were significant factors in causing the stroke.

Ruschak, 50, will receive \$718 a week in benefits as long as he remains disabled, which Ruschak's attorney, David Stern of Philadelphia, said is likely to be the rest of his life. Ruschak will also receive medical payments for costs related to the stroke, Stern said.

Victaulic Co. has filed an appeal with the state Workers' Compensation Appeal Board. An attorney who represented the company could not be reached for comment Monday.

Stern said the decision by workers' compensation Judge Beverly Doneker is noteworthy because claims that working conditions contributed to a stroke are unusual and difficult to prove.

"The incidence of workers suffering strokes at work is obviously very rare," Stern said. "To then prove that stroke was the result of work duties is even more uncommon."

Anthony Salvino, a workers' compensation attorney in Center Valley who represents employers, agreed.

"It is not your typical workers' compensation case," Salvino said.

Strokes, like heart attacks and psychological conditions, are difficult to link conclusively to workplace conditions.

advertisement

Adding rail to your door-to-door shipping mix could be your most cost-effective option.

Wherever you find business, you'll find us.

UNION PACIFIC
BUILDING AMERICA

150
YEARS

[▶ Learn More](#)

"It's not unheard of, but it is harder to prove," Salvino said.

Nearly half of workplace injuries are strains and sprains, according to the Pennsylvania Department of Labor and Industry. Strokes, heart attacks and psychological injuries are not counted separately.

According to the judge's decision, Ruschak was working as an auto pour operator in the foundry when he suffered the stroke May 13, 2010. The temperature in Ruschak's work area near two furnaces was 100 degrees, Ruschak testified, although a plant superintendent said the temperature was closer to 70.

Ruschak wore welding clothes under a fire suit, and said he sweated profusely during his work, which involved carrying heavy buckets up stairs, taking samples and temperature readings from the furnaces and using a jackhammer to remove slag from the mouth of the furnace.

Company officials testified the plant is cooled by fans that force in outside air and workers are provided liquids and encouraged to take breaks when necessary. But the core of the company's defense was that Ruschak had been treated for high blood pressure for several years.

Ruschak's attorney, however, presented pharmacy records that showed Ruschak had been taking medication to control his blood pressure.

The judge rejected testimony from Victaulic employees, who minimized the severity of Ruschak's working conditions, and the company's medical expert, who said the stroke was caused by Ruschak's high blood pressure.

Ruschak will receive benefits equal to 66 percent of his weekly compensation. Workers' compensation benefits are paid by mandatory insurance policies purchased by employers.

peter.hall@mcall.com

610-820-6581

Copyright © 2012, [The Morning Call](#)