

DON'S STORY

A real case demonstrating
the unfairness of damage caps.

Don's Story

Don, an electrician for an electrical contractor, was working at a power company when he was subjected to over 12,000 volts of electricity due to the power company's negligence. The electricity entered Don's body through his hand and blew out of the back of his head. Don should have died--suffering multi-organ failure several times, receiving burns on over 60% of his body and even more damaging internal burns and injuries, and undergoing painful reconstructive surgeries for his face, hands, and bodily integrity. His life has been turned upside-down by the negligence of others.

Don was a 50-year-old union electrician from Allentown when the electrical contractor with whom he was employed was hired by a Pennsylvania power distribution facility for a job. Don loved his work and took great pride in it. He did not take chances on the job. He knew that the voltages with which he worked daily could easily kill him. He had too much to live for - a wonderfully close and loving family - to ever let that happen. Sometimes tasks didn't get done as quickly as the boss would like, but with Don safety always came first.

On the day that Don reported for work at the power distribution facility, he was in good spirits. He was planning his next trip to the shore, a yearly excursion to lounge on the beach with his family. He loved the beach, almost as much as his work. He was also preparing for some volunteer work through the union. Don was a very active union member, and he always volunteered his services when the union was looking for electricians to help non-profit groups with projects. Over the years, he had strung Christmas lights for many groups, performed electrical repairs for churches and hung lights for fundraising festivals. He enjoyed using his talents to help others make the most of theirs. Don was happy, content and ready to get down to business. He looked forward to the challenge of the job at the distribution facility.

Don and three of his co-workers were assigned the task of removing and replacing a large piece of equipment in a medium voltage switchgear in one of the substations that distributed electricity throughout the facility. Don and his crew's responsibility was only to remove and replace the piece of equipment. The power distribution facility had made clear to Don's employer that it had the exclusive right and responsibility to de-energize the switchgear cabinet in preparation for Don's crew's work. In-house electricians for the facility told Don and his crew that the cabinet was de-energized. They tested the switchgear cabinet in front of Don and his men to show them that it was de-energized, and then the in-house electricians walked into the cabinet themselves, which confirmed to Don that the cabinet was safe to work in.

Don and his crew had no way of knowing just how wrong the in-house electricians were. The cabinet was not safe. There was a secondary power source that fed the cabinet with 12,470 volts of electricity. This power source was never disclosed to Don and the other men, nor was the wiring for that power supply ever tested to determine whether it was de-energized. The men also did not know that, for years, the facility's own in-house electricians had filed written requests with the facility to remedy unsafe conditions in the exact cabinet and substation in which Don and his men would be working.

As always, Don took his own safety precautions when working, but none of his precautions could possibly have disclosed to him that there was a secondary power source feeding the cabinet. As he worked inside the cabinet, an arc explosion occurred. Over 12,000 volts of electricity entered Don's body through his right hand, traveled throughout his body and then exploded out of him, creating a large "blow out" hole in the back of his head. The thermal energy from the electricity set his clothes on fire and was so intense that it burned a co-worker standing outside of the cabinet.

Don suffered devastating injuries from this high tension electrical insult. He had over 12,000 volts of electrical energy coursing through his body. The standard voltage in a home is only 110 volts, with large appliances, such as electric ranges, requiring 220 volts. Accidents involving home voltages are often fatal. Don was subjected to 100 times the amount of electrical energy found in the average home.

Electrical burns, especially arc burns, cause significant injuries, far beyond the external burns to the skin. Electrical burns result in disruption of the body's neurological systems, causing loss of consciousness, an inability to breathe, and, with high voltages, coma. The heart's rhythm is disrupted and often the heart stops beating. Muscles are stimulated by the electricity, causing uncontrollable spasm, including "locking" of the muscles. Blood vessels also spasm, causing lack of blood flow to organs and tissues throughout the body. High energy burns, such as Don's, also cause clotting of the blood, again cutting off vital blood flow. The thermal energy from high voltage burns causes intense heat inside the body and out. While severe exterior burns are the most noticeable, the thermal energy caused by high voltage electrical burns also causes the same type of burns inside the body to vital organs, muscles, nerves, blood vessels and even the brain.

Don suffered exterior burns over 60% of his body, including his face, lips, nose and ears, which were burned off entirely. He also lost his thumb on his right hand, which was blown off as the electricity surged into his body. His internal burns and injuries were even more severe. No one expected him to survive. He was placed on a ventilator and underwent multiple surgeries in an attempt to save his life. He suffered multi-organ failure several times, but each time, with the help of his doctors, he fought back in order to survive. He spent eight full months in the hospital and has undergone over 50 surgeries to date, not including the almost daily debridements where his dead skin was cut from his body until living, bleeding tissue could be found. Don's life during this time period was a living hell, and it hasn't improved much since.

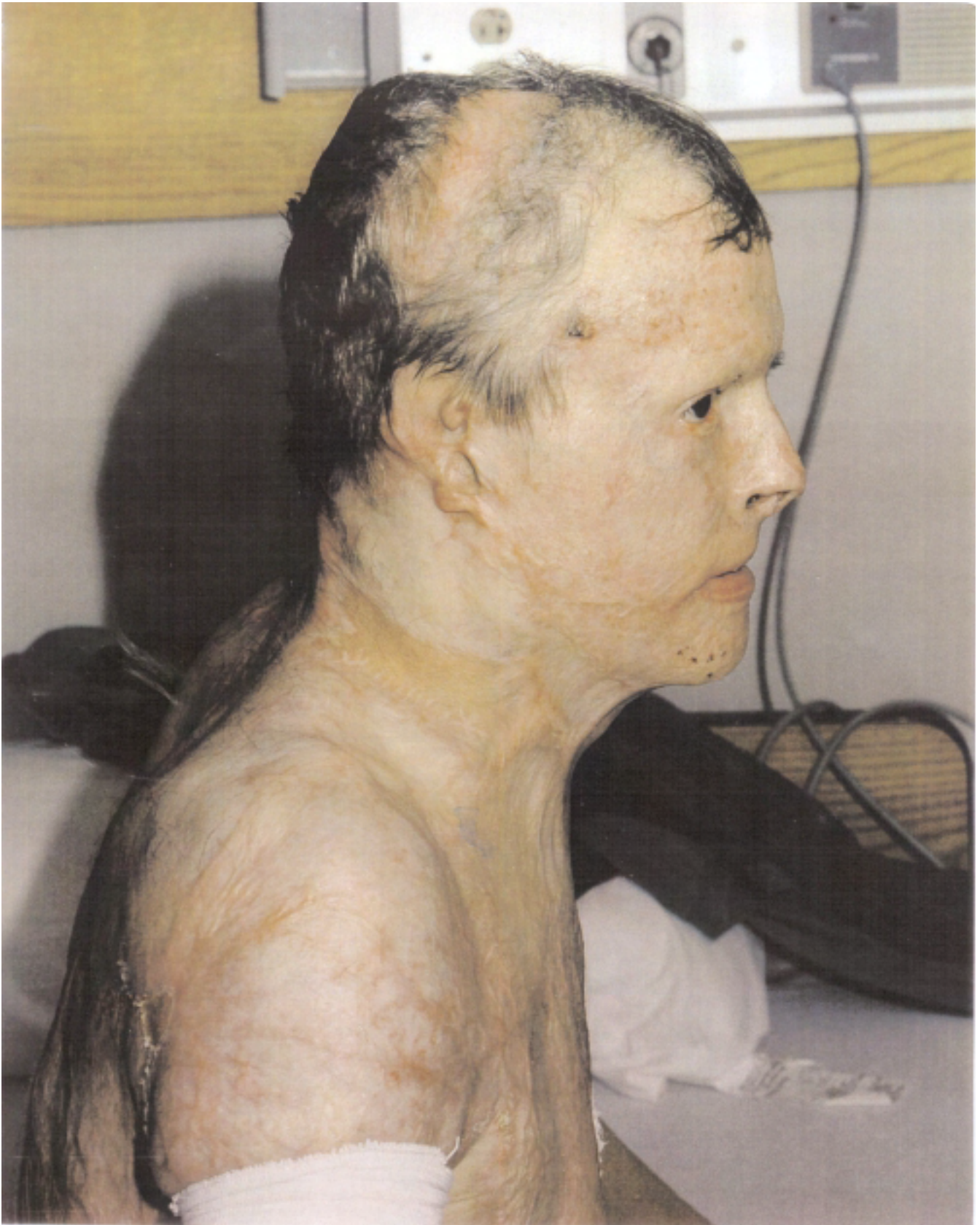
Although his excellent physicians tried their best to rebuild his face, hands and bodily integrity, Don has been left with scarring and disfigurement that is hard to look at. Don's ears were lost to the fire, and he has required the placement of prosthetic ears. His nose was deformed and needed to be totally rebuilt. His lips, which were rebuilt through skin grafts, have no feeling. He cannot feel hot or cold food or the kiss of a child. Don lost part of his scalp when the electricity burst out of his body. Doctors were forced to insert tissue expanders under the remaining skin of his scalp in order to stretch it so that missing areas would be covered. He lost much of his hair. For a man who was described as "movie star handsome," the disfigurement and facial scarring are almost too much to bear.

Don's problems don't end there. His scar tissue is unyielding, causing him significant pain when he moves. His movements are slow and deliberate in an attempt to avoid the excruciating pulling and tugging that is caused by the scar tissue contracture. He moves like someone twice his age. At one point, his skin was so tight that he could not move his arms away from his body. Incisions had to be made under his arms to provide more free movement, which required more grafting to close the holes. Don's index finger on his right hand was transposed to where his thumb used to be before the blast. His hands have limited feeling, and his entire body is now incredibly sensitive to heat and cold. He will never bask in the sun on a beach again. His skin is a rainbow of colors that will never match or blend. He is stared at everywhere he goes, which makes him very uncomfortable. The only place that he feels normal is at the burn center.

House Bill 1326 will cap Don's non-economic damages, even though he is not a victim of medical malpractice. Despite the fact that the power distribution facility knew about the dual power supply in the switchgear cabinet, had received safety complaints about this area for years, had violated industry safety policies, had disregarded its own internal safety procedures and had breached safety provisions in the contract that it had with Don's employer, under House Bill 1326 Don will be denied his rights to full and fair compensation. How does capping Don's recovery for his tremendous and continuous physical pain, mental suffering, disfigurement, and embarrassment from an industrial accident lower medical malpractice premiums for physicians in Pennsylvania?



As a result of the high tension electrical shock, Don suffered multi-organ failure several times, received burns on over 60% of his body and even more damaging internal burns and injuries, and underwent painful reconstructive surgeries for his face, hands, and bodily integrity.



Although Don's physicians tried their best to rebuild his face, hands and bodily integrity, Don has been left with scarring and disfigurement that is hard to look at. He also suffers from excruciating pain from the scar tissue.