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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-120

Filed 18 November 2026

N.C. Industrial Commission, I.C. No. 18-047667

POTENTIAL BENEFICIARIES OF JUAN JARAMILLO, Deceased Employee, Plaintiffs,

v.

SMITHFIELD FOODS, INC., Employer, SAFETY NATIONAL CASUALTY COMPANY, Carrier (ESIS, Third-Party Administrator), Defendants.

Appeal by Plaintiffs from Opinion and Award entered 9 October 2025 by the Full Commission of the North Carolina Industrial Commission. Heard in the Court of Appeals 26 August 2026.

Law Office of Jacob Goad, PLLC, by Jacob A. Goad, for Plaintiffs-Appellants.

McAngus, Goudelock & Courie, PLLC, by April Gladkin, Webster G. Harrison, and Jeffrey B. Kuykendal, for Defendants-Appellees.

HAMPSON, Judge.

Factual and Procedural Background

The Estate of Juan Jaramillo (Decedent), by and through Maria Remedios Jaramillo as Administratrix (Plaintiff), appeals from an Order of the Full Industrial Commission concluding Decedent did not suffer an injury by accident compensable

under the North Carolina Workers' Compensation Act (the Act). The Record before us tends to reflect the following:

Decedent worked as a "packer" for Smithfield Foods, Inc., (Smithfield) in one of its meat-packing plants. In this particular plant, pork is vacuum sealed in packages of varying weight and sizes and moved down a line along a conveyer belt, which runs at a constant speed. As a pack reaches the end of the conveyor belt, the packer pulls a box, takes the pack, and puts it into the box. The number of packers stationed behind each processing line is set based on an industrial engineering standard. Depending on the product and other factors, the number of packs arriving at the packer's station at any given time may vary. If a packer does not move fast enough, the meat product will "bunch up," which may result in it falling to the ground.

On 27 October 2018, Decedent began his shift as usual. The line halted operations around 11:00 a.m. for a lunch break, and work resumed at 11:30 a.m. When work resumed, there was a switchover in product and Decedent was working alongside only one other employee.

Around 11:45 a.m., Sarah Williams, a quality assurance technician, observed packs of meat on the floor at Decedent's station. She called supervisor Adrian Marquez and notified him of the situation.

Marquez approached Decedent to discuss the fallen packs. The line continued to run, and Decedent continued performing his packing duties while conversing with

Marquez. During the course of this conversation, Marquez allegedly told Decedent he needed to work faster.

As Williams and Marquez were leaving Decedent's station, Decedent suddenly collapsed and fell to the ground. Despite efforts by onsite medical and emergency personnel, Decedent was pronounced deceased at 12:34 p.m. Decedent's cause of death was identified as "acute myocardial infarction of the posterior wall, left ventricle."

On 8 January 2019, Plaintiff filed a claim with the North Carolina Industrial Commission. Smithfield denied liability for the claim. The matter came before the Deputy Commissioner on 19 December 2023. Conflicting evidence was elicited at the hearing as to the nature of the conversation which took place between Decedent and Marquez after Williams had observed packs of meat on the floor at Decedent's workstation. Williams testified she could not hear what the men were saying, but the "tone of their voice[s], it told [her] that they were strongly disagreeing with one another." She described Decedent's expression as appearing "highly upset" and "agitated."

Barbara Johnson, who had been working nearby during the events at issue, testified she heard Marquez and Decedent going "back and forth" and Marquez telling Decedent to "move faster." Neither Johnson nor Williams could recall ever witnessing a similar incident between Marquez and Decedent, although Johnson testified she had observed other "animated conversations [paired] with meat falling on the

ground[.]" Marquez testified his discussion with Decedent was not an argument and he had not been agitated or angry.

The only medical professional tendered as an expert witness was Dr. Pankaj Parikh, a board-certified cardiologist. Dr. Parikh averred "unusual exertion can contribute to . . . the terminal outcome in a person with a heart attack." He stated Decedent's "terminal event likely was from" the combination of physical exertion and the argument between Decedent and Marquez. However, he later averred it was merely a "possibility" that stress was an aggravating factor in Decedent's heart attack, and someone like Decedent, with other risk factors such as obesity and a history of smoking, could have had a cardiac problem with normal activity or even die in his sleep.

On 17 October 2024, the Deputy Commissioner filed an Opinion and Award denying Plaintiff's claims. The Deputy Commissioner found Plaintiff failed to meet her burden of showing either that Decedent's heart attack was an "accident" within the meaning of the Act or that his heart attack was proximately caused by the circumstances immediately preceding his death.

On 31 October 2024, Plaintiff appealed to the Full Commission. On 9 October 2025, the Full Commission filed an Opinion and Award affirming the Deputy Commissioner's decision and concluding Decedent did not suffer an injury by accident under the Act. The Full Commission further concluded "the medical testimony in this case is insufficient to establish" Decedent's death was caused by his employment with

Smithfield, as Dr. Parikh's testimony was "largely speculative" and his "causation opinions, such as they are, are based on hypothetical facts not accepted as true by the Full Commission."

Plaintiff filed Notice of Appeal on 6 November 2025.

Issue

The dispositive issue on appeal is whether the Full Commission erred by concluding Decedent did not suffer an injury by accident under the Act.

Analysis

On appeal from an opinion and award of the Industrial Commission, this Court's review "is limited to consideration of whether competent evidence supports the Commission's findings of fact and whether the findings support the Commission's conclusions of law." *Richardson v. Maxim Healthcare/Allegis Grp.*, 362 N.C. 657, 660, 669 S.E.2d 582, 584 (2008) (citing *Adams v. AVX Corp.*, 349 N.C. 676, 681-82, 509 S.E.2d 411, 414 (1998)), *reh'g denied*, 363 N.C. 260, 676 S.E.2d 472 (2009). The Commission's Conclusions of Law are reviewed de novo. *Walker v. K&W Cafeterias*, 375 N.C. 254, 258, 846 S.E.2d 679, 682 (2020) (citing N.C. Gen. Stat. § 97-86 (2019)).

" '[T]he Commission is the sole judge of the credibility of the witnesses and the weight to be given their testimony.' " *Richardson*, 362 N.C. at 660, 669 S.E.2d at 584 (quoting *Anderson v. Lincoln Constr. Co.*, 265 N.C. 431, 433-34, 144 S.E.2d 272, 274 (1965)). Thus, "the Commission may assign more credibility and weight to certain testimony than other testimony." *Watkins v. City of Asheville*, 99 N.C. App. 302, 303,

392 S.E.2d 754, 756 (1990). "[T]he determination of the Commission is conclusive upon appeal even though the evidence is capable of supporting two contrary findings." *Id.* (citing *Dolbow v. Holland Indus.*, 64 N.C. App. 695, 697, 308 S.E.2d 335, 336 (1983), *disc. review denied*, 310 N.C. 308, 312 S.E.2d 651 (1984)).

Under the Act, an "injury" "shall mean only injury by accident arising out of and in the course of the employment[.]" N.C. Gen. Stat. § 97-2 (2025). Neither party disputes Decedent's injury arose out of and in the course of his employment with Smithfield. Rather, the parties dispute whether the manner in which Decedent's heart attack occurred constituted an "accident" within the meaning of the Act.

"The terms 'accident' and 'injury' are separate and distinct concepts, and there must be an 'accident' that produces the complained-of 'injury' in order for the injury to be compensable." *Gray v. RDU Airport Auth.*, 203 N.C. App. 521, 525, 692 S.E.2d 170, 174 (2010) (citing *O'Mary v. Clearing Corp.*, 261 N.C. 508, 510, 135 S.E.2d 193, 194 (1964)). "An 'accident' is an 'unlooked for event' and implies a result produced by a 'fortuitous cause.' " *Id.* (quoting *Cody v. Snider Lumber Co.*, 328 N.C. 67, 70, 399 S.E.2d 104, 106 (1991)). " 'If an employee is injured while carrying on [the employee's] usual tasks in the usual way the injury does not arise by accident.' " *Id.* (alteration in original) (quoting *Gunter v. Dayco Corp.*, 317 N.C. 670, 673, 346 S.E.2d 395, 397 (1986)). "In contrast, when an interruption of the employee's normal work routine occurs, introducing unusual conditions likely to result in unexpected consequences, an accidental cause will be inferred." *Id.* (citing *Gunter*, 317 N.C. at 673, 346 S.E.2d

at 397). Thus, "[t]he essence of an accident is its unusualness and unexpectedness[.]" *Id.* (citation and quotation marks omitted).

"When an employee is conducting his work in the usual way and suffers a heart attack, the injury does not arise by accident and is not compensable." *Cody*, 328 N.C. at 71, 399 S.E.2d at 106 (citing *Jackson v. Highway Comm'n*, 272 N.C. 697, 701, 158 S.E.2d 865, 868 (1968)). "However, an injury caused by a heart attack may be compensable if the heart attack is due to an accident, such as when the heart attack is due to *unusual or extraordinary exertion*[.]" *Id.* (emphasis in original) (citing *Lewter v. Abercrombie Enters., Inc.*, 240 N.C. 399, 404, 82 S.E.2d 410, 415 (1954)).

Here, the Full Commission found, in relevant part:

> (32) Based upon a preponderance of the evidence in view of the entire record, the Full Commission finds (1) that the Cryovac processing line at Defendant-Employer's Clinton facility runs at a consistent speed; (2) that due to several factors, it was not unusual for the meat packs on Defendant-Employer's Cryovac line to bunch up, creating a variance in the pace at which packers must work, and that therefore it was part of a packer's normal work routine to work more quickly during periods when there was a temporary increase in the number of packs arriving at the work station; (3) that it was normal for the Cryovac processing lines to switchover to different products during a work shift, sometimes requiring a change in the number of packers on the line; (4) that it was common for packs to fall to the floor at the packers' stations; and (5) that it was common for a supervisor to confront a packer after product fell to the floor.
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> (33) Based on the preponderance of the evidence in view of the entire record, the Full Commission finds that after the lunch break on 27 October 2018, the Cryovac #5 processing line at Defendant-Employer's Clinton facility was not producing an unusually high amount of product and that the number of packers

assigned was not unusually low given the switchover and the type of product being processed. Although the evidence tends to suggest that there was an upward fluctuation in the number of packs that came to Decedent's station following the lunch break on 27 October 2018, the Full Commission finds this fluctuation to have been the result of a common "bunching" occurrence rather than anything unusual. Decedent was conducting his work in the usual way and was not required to perform unusual or extraordinary exertions or to work in extreme conditions. The circumstances Decedent faced were neither unexpected nor extraordinary.

(34) Based on the preponderance of the evidence in view of the entire record, the Full Commission finds that Mr. Marquez approached Decedent on 27 October 2018, had an acrimonious conversation with him regarding the fallen packs and the number of packers assigned to the line, and instructed him to increase his work rate. The Full Commission further finds that these were not unexpected or unusual events.

(35) The Full Commission finds that the preponderance of the evidence in view of the entire record fails to establish a causal relationship between Decedent's 27 October 2018 cardiac arrest and his employment with Defendant-Employer.

Based on its Findings, the Full Commission concluded:

(2) . . . In the case at bar, the Full Commission concludes that it was part of a packer's normal routine to work more quickly during periods when there was a temporary increase in the amount of product arriving at the work station. The Full Commission further concludes that the line's pace fluctuation after the lunch break on 27 October 2018 did not require unusual or extraordinary exertion or create an extreme or unexpected condition, and that Decedent was conducting his normal work in the usual way such that these circumstances did not constitute an accident within the meaning of the Act. Moreover, the Full Commission concludes that, given that product often fell to the floor at packers' stations and that packers were commonly counseled about it, Decedent being confronted by his supervisor about the situation was neither unexpected nor extraordinary,

> and Decedent's emotional response to the circumstances of 27 October 2018 did not constitute an accident within the meaning of the Act.
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> . . . .
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> Given the holding of the Court in *Knight*, taken with the facts of this case, the Full Commission concludes that the interaction between Decedent and Mr. Marquez on 27 October 2018 did not constitute an accident within the meaning of the Act.

Accordingly, the Full Commission further concluded Decedent's injury was not compensable.

In reaching its Conclusions, the Full Commission relied primarily on the cases of *Cody v. Snider Lumber Co.*, 328 N.C. 67, 399 S.E.2d 104 (1991), and *Knight v. Abbott Laboratories*, 160 N.C. App. 542, 586 S.E.2d 544 (2003). Plaintiff argues these cases are inapposite and the Full Commission misapplied their holdings in the case at bar. We disagree.

In *Cody v. Snider Lumber Co.*, the decedent-employee was employed as a truck driver. 328 N.C. at 68, 399 S.E.2d at 105. He became frustrated while performing a series of tasks that were a normal part of his job duties. *See id.* at 68-69, 399 S.E.2d at 105. One of these tasks included removing a tarp; however, the tarp had become stuck, causing the decedent-employee to become highly agitated. *Id.* Shortly thereafter, he collapsed and "died of sudden cardiac death." *Id.* at 69, 399 S.E.2d at 105 (quotation marks omitted). In affirming the Industrial Commission's determination the decedent-employee did not suffer an injury by accident, our

Supreme Court noted the Commission had found "the only event which could be deemed unexpected and extraordinary and, thus, an accident was the sticking of the tarp." *Id.* at 72, 399 S.E.2d at 107. The Commission also found, however, "that the sticking of the tarp was not a precipitating factor in the decedent's death." *Id.* Accordingly, our Supreme Court held the Commission had properly denied the decedent's claim, as his "heart attack was not the result of an accident arising out of and in the course of the decedent's employment[.]" *Id.*

Plaintiff emphasizes the employee's frustration in *Cody* was "internally generated by his own tasks[.]" Thus, Plaintiff argues, *Cody*'s holding applies only to "employees who become distressed solely by their own ordinary tasks." As such, she contends *Cody* is inapplicable to the present case because Decedent's stress was "externally imposed by a supervisor who approached him while he was working, engaged in acrimonious confrontation, and directed him to 'work faster.' "

The facts of *Smith v. Pinkerton's Security and Investigations*, 146 N.C. App. 278, 552 S.E.2d 682 (2001), in which this Court relied on *Cody*, are instructive. There, the plaintiff-employee was responsible for recovering a set of keys and other items after an employee quit and did not return them. 146 N.C. App. at 279, 552 S.E.2d at 683. After being informed of the former employee's whereabouts, the plaintiff-employee left work in his truck to confront him. *Id.* The plaintiff-employee told the former employee to return the keys; when the former employee refused, the plaintiff-employee began to get out of his truck and suddenly suffered a heart attack. *Id.* The

Commission found "[t]he confrontation with [the former employee] was the event that precipitated plaintiff's heart attack, but the confrontation itself did not involve any unusual or extraordinary exertion." *Id.* at 280, 552 S.E.2d at 684. Accordingly, the Commission concluded the injury was not compensable. *Id.* This Court, citing *Cody*, affirmed, because the Commission's finding that the confrontation "did not involve any unusual or extraordinary exertion" supported its conclusion the plaintiff-employee's death was not the result of an injury by accident under the Act. *Id.* at 282-83, 552 S.E.2d at 685.

The "frustration" the employee in *Smith* faced resembles the stress Decedent suffered in the present case, as both arose out of a "heated" interaction with another individual. Here, the Full Commission found "it was part of a packer's normal work routine to work more quickly during periods when there was a temporary increase in the number of packs arriving at the work station[,]" "Decedent was conducting his work in the usual way[,]" and it was "not unexpected or unusual" for Marquez to approach Decedent about the fallen packs and instruct him to increase his work rate. As in *Cody* and *Smith*, these Findings support the Full Commission's Conclusion Decedent's injury did not arise out of an "accident" within the meaning of the Act.

The Full Commission also relied on *Knight v. Abbott Laboratories* in support of its Conclusion. In that case, the plaintiff had a conversation with her supervisor after finding out an employee with less seniority had received a vacation day the plaintiff had requested off. 160 N.C. App. at 543-44, 586 S.E.2d at 545. Her

supervisor became upset, "rose from his desk, and began talking to plaintiff in a loud, angry voice waving his hands and fingers in plaintiff's face." *Id.* at 544, 586 S.E.2d at 545. Both parties "raised their voices" at each other. *Id.* After the confrontation, the plaintiff was totally disabled and unable to work. *Id.* The Industrial Commission concluded the plaintiff had not suffered an injury by accident. *Id.* at 545, 586 S.E.2d at 546. The Commission noted both the plaintiff and her supervisor "raised their voices and both were participants in the argument initiated by plaintiff's complaint that she had improperly been deprived of her desired vacation day" and found "while such confrontations may be infrequent, disagreements between an employee and a supervisor are not uncommon[.]" *Id.* at 546, 586 S.E.2d at 547.

This Court affirmed, noting the plaintiff "deliberately initiated the meeting with [her supervisor] to voice her disagreement with his decision to award the vacation day to another employee[,]" such that it was "not unexpected that this would lead to a heated discussion involving raised voices on both the part of the supervisor and employee." *Id.* The Court further observed our Supreme Court "has indicated that exposure to an abusive supervisor is a risk shared by any employee in any profession or even outside the workplace in an abusive relationship." *Id.* at 546-47, 586 S.E.2d at 547 (citing *Woody v. Thomasville Upholstery, Inc.*, 355 N.C. 483, 562 S.E.2d 422 (2002) (per curiam)).

Plaintiff argues this case is not like *Knight* because, in addition to having an allegedly emotionally charged confrontation with Marquez, Decedent experienced a

"simultaneous and documented increase in physical demands[.]" But, contrary to Plaintiff's assertion, the Full Commission found Decedent was "conducting his work in the usual way and was not required to perform unusual or extraordinary exertions." This Finding is supported by Williams' testimony the line was moving "like it always [did]" and Marquez's testimony it was normal for the line to be staffed with only two employees, notwithstanding any conflicting evidence. *Watkins*, 99 N.C. App. at 303, 392 S.E.2d at 756 (citation omitted).

Plaintiff further argues the Full Commission erred in relying on *Knight* because *Knight* addressed "common workplace friction" and "a routine interaction with a supervisor" as opposed to what she argues here was, as the Full Commission found, an "acrimonious confrontation." But the confrontation in *Knight* was also clearly acrimonious—the supervisor "became upset . . . rose from his desk, and began talking to plaintiff in a loud, angry voice waving his hands and fingers in plaintiff's face[,]" both parties "raised their voices" at the other, and the plaintiff "returned to her workstation in tears." 160 N.C. App. at 544, 586 S.E.2d at 545. This Court affirmed the Commission's finding the incident did not constitute an unexpected, unusual, or untoward occurrence, nor did it constitute an interruption of the work routine and the introduction thereby of unusual conditions likely to result in unexpected consequences. *Id.* at 546, 586 S.E.2d at 547. Thus, the Commission here, as in *Knight*, was entitled to find the incident—despite being acrimonious—was nevertheless not an interruption of Decedent's work routine. Therefore, Plaintiff's

arguments the Full Commission erred in relying on *Cody* and *Knight* are without merit.

Plaintiff also argues the Full Commission erred by "address[ing] the confrontation [between Decedent and Marquez] and the physical work as separate theories and reject[ing] each independently." Plaintiff contends *King v. Forsyth County*, 45 N.C. App. 467, 263 S.E.2d 283 (1980), requires the Full Commission to consider the physical and emotional demands Decedent suffered as Marquez instructed him to increase his speed while Decedent "simultaneously" continued to work.

In *King*, the plaintiff was a law enforcement officer who suffered a heart attack during a foot chase. 45 N.C. App. at 467, 263 S.E.2d at 283. The Commission denied compensation because foot chases were not an unusual activity or variance from the officer's ordinary work routine. *Id.* at 468, 263 S.E.2d at 284. This Court reversed, holding "it was the overexertion experienced during the foot chase that caused the injury" and, thus, it was "not necessary for the plaintiff to show that the overexertion which was the cause of his injury occurred while he was engaged in some unusual activity." *Id.* at 471, 263 S.E.2d at 285.

However, presuming Plaintiff's reading of *King* is correct, the Findings show the Commission did so: it found it was "not unexpected or unusual" Marquez approached Decedent, had an "acrimonious conversation" with him, and instructed him to increase his work rate, and Decedent "was conducting his work in the usual

way and was not required to perform unusual or extraordinary exertions or to work in extreme conditions." As explained above, these Findings are supported by Williams', Marquez's, and Johnson's testimony. The Findings, in turn, support the Full Commission's Conclusion Decedent did not suffer an injury by accident under the Act. Thus, the Commission properly determined Decedent's injury is not compensable. Therefore, the Commission did not err by entering its Order.[1]

Conclusion

Accordingly, for the foregoing reasons, we affirm the Order of the Full Commission.

AFFIRMED.

Judges ZACHARY and COLLINS concur.

Report per Rule 30(e).

[1] Because we conclude the Full Commission did not err by concluding Decedent did not suffer a compensable injury by accident, we do not reach Plaintiff's arguments regarding whether the Full Commission erred by concluding Plaintiff produced insufficient evidence Decedent's injury was caused by his employment with Smithfield.