

INTER-OFFICE MEMORANDUM

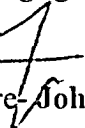
TO: ALL ATTORNEYS/CLIENT
FROM: W. JOSEPH TRUCE
DATE: September 14, 2001
RE: SERIOUS & WILLFUL MISCONDUCT

In the case of **John Richard Heffler v. WCAB (County of Orange) 3 WCAB Rptr. 10,244**, the Board has once again emphasized that an applicant must show more than simple negligence in order to prevail on a charge of Serious and Willful Misconduct of the employer.

In **Heffler** the Board stated in relevant part as follows:

"An employer guilty of Serious and Willful Misconduct must have knowledge of the dangerous condition, know that the probable consequences of its continuance will involve serious injury to an employee, and deliberately fail to take corrective action. . . Here, the defendant is guilty of no more than simple negligence. . . "

WJT:wf

Enclosure  **John Richard Heffler v. WCAB (County of Orange)**