

**342.680 Presumptions in the case of death or of physical or mental inability to testify.**

In any claim for compensation, where the employee has been killed, or is physically or mentally unable to testify as confirmed by competent medical evidence and where there is un rebutted prima facie evidence that indicates that the injury was work related, it shall be presumed, in the absence of substantial evidence to the contrary, that the injury was work related, that sufficient notice of the injury has been given, and that the injury or death was not proximately caused by the employee's intoxication or by his willful intention to injure or kill himself or another.

**Effective:** December 12, 1996

**History:** Amended 1996 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 79, effective December 12, 1996. -- Created 1972 Ky. Acts ch. 78, sec. 8, effective January 1, 1973.

**Legislative Research Commission Note** (12/12/96). 1996 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 79 stated that it was amending this statute, but the proposed changes to the statute were eliminated by legislative action on this Act although the statute itself was not deleted from the bill.