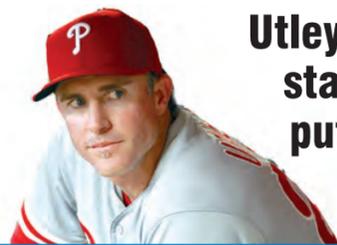


BUCKS COUNTY Courier Times



Utley likely staying put C1

\$1.00 WEDNESDAY, AUGUST 19, 2015



CHLOE ELMER / STAFF PHOTOGRAPHER

The new bathrooms at the Bucks County Emergency Homeless Shelter in Bristol Township give residents a feeling of family, said Audrey J. Tucker, CEO of Family Service Association of Bucks County.

Judges blame agency for death

By JO CIAVAGLIA
STAFF WRITER

The day Robert Dietz died, he started work on a water main job at 7 a.m. Shortly after 9:30 p.m., he called his wife to tell her he was still on site, but expected to finish soon. An hour later he was dead of a heart attack. His widow, Judith Dietz, blamed his employer — Lower Bucks County Joint Municipal Authority in Bristol Township — for her 48-year-old husband's sudden death in November 2007. Robert Dietz worked as a field maintenance manager for 20 years for the public water authority, a job that involved heavy labor and long workdays.

Judith Dietz filed a workers' compensation claim seeking benefits for herself and her child for a work-related death. Under the federal law, a widow with one child is entitled to an award of 60 percent of a worker's wages and up to \$3,000 for burial expenses.

On Friday, a three-judge Pennsylvania appeals court reversed a denial of her claim, finding that Dietz had proved her claim that a "causal connection" existed between the 14-hour workday involving heavy physical labor and her husband's fatal heart attack.

The authority had denied liability and the complaint then went before a workers' compensation judge.

See **BLAME**, Page A2

Sheltered by generosity

Residents of Bucks County contributed cash to transform the bathrooms at the emergency homeless shelter.

Commentary
Phil Gianficaro

As project superintendent of the renovation and reconstruction project of the decrepit bathrooms at the Bucks County Emergency Homeless Shelter in Bristol Township over the past four months, Mike DiMaio felt the

unacceptable became unbelievable. "I interacted with some residents as they watched us work," DiMaio said. "They'd say things like, 'Wow, this is looking great!' and 'We can't wait till the bathrooms are done!'"



Video online

However, DiMaio heard one word from the residents more than any other. One word that finished at their lips, but came from the heart:

Thanks.

The residents of Bucks County, please accept our thank you to all who contributed dimes and dollars to The Intelligencer and Bucks County Courier Times' "Buck Up, Bucks County" campaign to raise funds to fix the bathrooms at the shelter, a temporary residence for individuals and families who have lost safe and stable housing.

Your generosity raised \$244,000, with \$184,000 helping improve not only the bathrooms but residents' lives in the process.

See **GIANFICARO**, Page A2

eyes watching.

DiMaio, proprietor of Milex Construction, in Morrisville, noticed many of the 75 shelter residents — men, women, children — observing the teams of workers rebuilding the crumbling bathrooms as the residents themselves attempted to do the same with their own lives in disrepair.

He heard the comments through the din of banging hammers and whirring drills during installation of new toilets, bathtubs, sinks, showers, mirrors, lights, ventilation, floors, walls, ceilings, wiring and plumbing.

He heard residents' comments who watched appreciatively as old became new, dirty became clean, cramped became roomy, disrepair became dignified and



The old bathrooms were dingy, decrepit and inhospitable.

State's high court unseals orders on AG

By MARGARET GIBBONS
STAFF WRITER

The state Supreme Court late Tuesday unsealed two prior orders relating to a protective order that involved a grand jury investigating leaks.

The state's highest court said the release of the prior orders was a response to state Attorney General Kathleen Kane's

comments last week alleging criminal charges against her stem from an attempt by Harrisburg officials and state prosecutors who want to discredit her and prevent the release of reported pornographic and/or racially or religiously insensitive emails.

Kane, who is criminally charged with leaking secret grand jury information and then trying to cover it up, said at her news conference that she was barred from releasing the emails to make her point by a protective order issued by Montgomery County Judge William R. Carpenter, who supervised the grand jury looking into the leaks.

However, the sealed orders made public on Tuesday indicate Kane may have had that authority to release the email information at least as far back as December.

See **KANE**, Page A2



Kathleen Kane

Officials: Military likely to open most combat jobs to women

By LOLITA C. BALDOR
ASSOCIATED PRESS

WASHINGTON — Two women have now passed the Army's grueling Ranger test, and even tougher and more dangerous jobs could lie ahead. The military services are poised to allow women to serve in most front-line combat jobs, including special operations forces, senior officials told The Associated Press.

Based on early talks, officials say the Army, Navy and Air Force likely will not seek exceptions that close any jobs to women. Marine Corps leaders, they say, have expressed concerns about allowing women to serve in infantry jobs and yet may seek an exception.

The services are wrapping up reviews and must make their recommendations to Defense Secretary Ash Carter this fall. The officials spoke on condition of anonymity because they were not authorized to discuss the internal debate.

See **COMBAT**, Page A2



ROBIN TRIMARCHI / ASSOCIATED PRESS

One of the 20 female soldiers, (top left) who is among the 400 students who qualified to begin Ranger School, does lunges in between obstacles on the Darby Queen, one of the toughest obstacle courses in U.S. Army training.



Make restaurant-style salads in your kitchen, **Food**



83° Partly sunny
68° and humid. B3

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LOTTERIES Tues., 8-18-15

NEW JERSEY

Pick 3: 3-9-3
Straight: \$278.50
Box: \$92.50 Pair: \$27.50
Pick 4: 5-4-5-4
Straight: \$1,635.50
Box: \$272.50
Cash 5: 17-21-25-36-38
Midday Pick 3: 0-5-3
Straight: \$265
Box: \$44 Pair: \$26.50
Midday Pick 4: 1-4-1-9
Straight: \$2,265.50
Box: \$188.50

PENNSYLVANIA

Cash 5: 5-21-25-26-30
Midday Pick 2: 2-1
Pick 2: 6-4
Midday Pick 3: 1-6-3
Pick 3: 7-3-9
Midday Pick 4: 9-6-3-2
Pick 4: 6-7-8-7
Midday Pick 5: 1-3-9-5-0
Pick 5: 1-1-8-7-6
Treasure Hunt:
3-4-11-15-20

MULTI-STATE LOTTERIES

Tues., 8-18-15 Mon., 8-17-15 Sat., 8-15-15
Mega Millions: Cash4Life: Powerball:
2-7-33-39-53 9 5-19-21-24-27 3 3-13-17-42-52 24

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ONLINE POLLS

www.buckscountycouriertimes.com

Did the Eagles first pre-season game make you feel any differently about the team's prospects for this year?

46% No
49% Yes, I feel better about the team
5% No, I feel worse about the team

Vote in our latest poll
Should college athletes be permitted to unionize?



Gianficaro

Continued from Page A1

The balance of the total amount raised went to Advocates for Homeless & Those in Need to purchase a new ADA-compliant bus to transport needy folks to and from community meals and to Code Blue shelters in Lower Bucks County.

The balance of the funding for the nearly \$500,000 bathroom project came from a \$150,000 donation from The W.W. Smith Charitable Trust, of Gladwyne, and a \$150,000 construction grant secured by the Bucks County Commissioners from the state Department of Community and Economic Development.

"People might see the bathrooms and wonder where all the money went," said Franco D'Andrea, a partner in Forrest Grove Enterprises, of Horsham, which oversaw the project. "But it is more than what you see; it's ripping up concrete floors and walls, putting in new plumbing, wiring, heating, ventilation and air conditioning, and new exhausts. It's an extensive project."

In addition to Milex Construction and Forrest Grove

involved in the project were Worth & Co, of Plumstead, which donated the plumbing and fixtures; Marjam Supply Co., of Philadelphia, which donated the drywall; and Associated Building Specialties, of Blackwood, New Jersey, which supplied the bathroom accessories.

Also cooperating on the fundraising project were Comcast, Family Service Association of Bucks County, which operates the shelter, and AHTN.

On Monday, FSA conducted a tour of the upgraded bathrooms made possible only by your caring.

"What these new bathrooms do for the families here is give them a feeling of family," said Audrey J. Tucker, CEO of FSA. "They're now able to care for their children in clean bathrooms with bathtubs to bathe them."

"The bathrooms were small; if there were three family members, they wouldn't all fit. Now, mothers can have all their children in the bathroom. They can be a family. Parents can connect with their young children as they bathe them, and there are children's changing tables. Giving them new bathrooms shows the respect we should all have for them as people."

"We are so very grateful to the community in Bucks County for making the lives of our residents easier."

Added Michael J. Mattie, president of the FSA board of directors: "Dignity is a word that quickly comes to mind when I think of what these new bathrooms will give to the residents. These bathrooms were in such disrepair. It created substantial emotional trauma to the residents, compounding their stress. Now they feel more respected."

Thirteen bathrooms were transformed — three on the men's side, eight on the women's side, one for men with a young daughter or adolescent boy, and another generously donated to the residents by the homeless shelter staff. A baby bathing and changing station, two large closets and one small closet were also built.

Previously, the men's bathrooms had no bathtubs, only showers, and the women had only two tubs, leaving many parents to wait to bathe their young children. There are now three new tubs on the women's, or family, side, and one on the men's side.

"Adding the new bathtubs is a huge improvement," Mattie said. "Some mothers had to put the kids in the sinks to bathe them. This project was all about improving the lives of families who need our assistance."

The "Buck Up, Bucks County" project was established by Patricia S. Walker,

former executive editor of The Intelligencer, Bucks County Courier Times and Burlington County Times. She retired in June. Two years ago, she wondered what The Intelligencer and Courier Times could do in terms of a fundraiser to help needy organizations in Bucks County. During a tour of the homeless shelter with Tucker, Walker was shocked by the cramped kitchen and substandard appliances being used to feed the homeless. She had found her cause.

"When I first gave Pat the tour, I hoped maybe there was something she could do to help with the kitchen or the bathrooms," Tucker said. "She saw the condition of the kitchen didn't meet our needs. She said this is what we need to do in the community, that if people would 'buck up' just one dollar, we could transform the kitchen."

"After the kitchen project was done — that Buck Up project raised \$282,000 — Pat and I had lunch one day, and I asked if it was possible to do a Buck Up for the bathrooms. She said, 'Yep.'"

Meanwhile, my wife, Amy Gianficaro, director of community affairs for Calkins Media, parent company of The Intell and Courier Times, pitched the AHTN bus project as a possible Buck Up project. She and Walker agreed to combine the worthy causes.

"Because of the shared fabric of helping those in need, we decided to incorporate the two," Gianficaro said.

Mattie stressed the need for the community to become involved to make vital projects like the one at the shelter a reality.

"Funding is stagnant, so people have to pitch in," he said. "I know that without the 'Buck Up' campaign from the Calkins company, and the stories about the project throughout the campaign in their newspapers, I'm certain we wouldn't have raised as much money as we needed to help the residents here."

On Monday, DiMaio and several other workers stood proudly in the shelter, being lauded for and admiring their good work for a great cause. He stood outside one of the sparkling bathrooms and nodded.

"The bathrooms are safer and more accessible," he said. "But this was about more than fixing a bunch of bathrooms. This was about improving the lives of people who just need a little help. I don't know what else you have to say."

I do.
Thanks.

Phil Gianficaro can be reached at 215-345-3078, pgianficaro@calkins.com or @philgianficaro on Twitter.

Blame

Continued from Page A1

At the subsequent hearing, Dietz testified that her husband's job involved heavy labor, including jackhammering roads, repairing water main breaks and cutting tree roots out of the sewer system. He frequently worked longer than a 40-hour week and was always on call.

During their last conversation, Dietz told his wife that he had been doing roadwork and jackhammering for hours, and he and his coworkers were tired because they'd been on the job site a long time, according to court documents. Judith Dietz said her husband did not complain about feeling ill and there was nothing unusual about the conversation, court documents said.

About an hour after their conversation, one of Robert Dietz's coworkers came to the house and took his wife to a hospital, where Judith Dietz learned he had died on the job, according to court documents. He was in full cardiac arrest when first responders arrived at the work site. There was no autopsy.

Judith Dietz testified that her husband smoked a pack of cigarettes a day for at least 13 years; in 2004 or 2005 the family doctor ordered a stress test and it showed no sign of heart disease. He took medication for high cholesterol for about a year. He was 6 feet, 2 inches tall and weighed about 200 pounds.

Dietz also presented deposition testimony from a board certified emergency medicine and thoracic surgeon who reviewed her husband's available medical records, death certificate and his wife's testimony.

He found the medical records showed that in 2002 Dietz was diagnosed with a mild narrowing of the leg arteries that did not require treatment. He also went to the hospital that year twice complaining of chest pain, but neither time was diagnosed with cardiac problems, according to court documents.

The doctor concluded that Dietz's heart attack occurred when a sudden blood clot developed in a heart artery. A clot can develop as a result of cold weather, stress and physical labor that releases adrenaline, which tends to thicken the blood, and a small tear in the lining of the heart artery, which leads to sudden clotting, the court documents said.

But in a deposition submitted by LBCJMA, an internal medicine doctor with a focus on cardiology disputed Dietz's expert. He said that as of 2000, Dietz had peripheral artery disease in his legs, which is a hardening of the arteries that restricts blood flow. At the time, the expert said, his doctor advised him to stop smoking, but he did not.

The authority's expert witness claimed it is common for people with PAD to also have coronary artery disease and suggested that Dietz's heart attack was inevitable. The doctor added there was nothing unusual about the work Dietz was doing the day he died, since he had performed the same job for 20 years.

The judge initially ruled that Dietz failed to show her husband's heart attack was "causally related" to his job and denied the fatal claim petition. Dietz appealed and the Worker's Compensation Appeal Board vacated the denial on the grounds that the judge applied an incorrect standard. The board found that

RETIREMENT PLANNING

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apetsis.com & Associates

Dietz had only to prove a connection between the death and the employment, not that he experienced more strenuous than usual duties.

The case was remanded to the original judge who, using the correct standard, granted the fatal claim petition, court documents show. The authority then appealed, and the appeal board reversed the judge's decision, in part because neither the doctor nor Dietz's wife knew what duties he performed on the day of his death and the lack of witness testimony from coworkers about his activity, the court documents note.

Judith Dietz filed another appeal, which resulted in the common-law judges' review of the case. The panel found the doctor's testimony for Robert Dietz supported the findings that working on a field maintenance crew for 14-plus hours caused the cardiac event and death and that the board erred when it required Dietz's widow to show evidence of his specific duties the day of the heart attack.

"The overwhelming circumstantial evidence in this case shows that exertion from (Dietz's) regular work activities over the course of a 14-hour workday caused his heart attack," Judge Mary Hannah Leavitt wrote in the decision.

The authority has 30 days to appeal the decision. Attorney James Downey III, who represents the LBCJMA, directed questions to the attorney for the authority's insurance carrier, but did not provide the attorney's name.

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email: jciavaglia@calkins.com;
Twitter: @jociavaglia

Combat

Continued from Page A1

Even if Marine leaders object, they are likely to meet resistance from senior Navy and Defense Department officials who want the military to be united on this issue.

Undercutting the Marines' reservations is that Special Operations Command is likely to allow women to compete for the most demanding military commando jobs — including the Navy SEALs and the Army's Delta Force — though with the knowledge that it may be years before women even try to enter those fields.

Women have been steadily moving into previously all-male jobs across the military, including as members of the Army's 160th Special Operations Aviation Regiment, best known as the helicopter crews that flew Navy SEALs into Osama bin Laden's compound. Women are also now serving on Navy submarines and in Army artillery units.

Friday will mark another milestone as the two women graduate at Fort Benning, Georgia, from the Ranger school, a physically and mentally demanding two-month combat leadership course. Completing the course lets the two women wear the coveted Ranger black-and-gold tab, but it does not let them become members of the Ranger regiment. Neither woman has been publicly identified by the military.

Longer term, the uncertainty of the Marine decision underscores the wrenching debates going on within the military over

the changing role of women, and it reflects the individual identities of the services and how they view their warrior ethos.

Only a handful of jobs in the Navy and Air Force are currently closed to women.

Last year the Navy considered seeking an exception that would have prohibited women from serving on older guided missile frigates, mine-countermeasure ships and patrol coast craft. Some argued that those ships, which are due to be phased out in coming years, would need millions of dollars in construction to add facilities for women and it wasn't worth the expense.

But Navy Secretary Ray Mabus withdrew that plan in a memo late last month that was obtained by the AP. Officials said Navy leaders concluded that since women can serve in all the same jobs on other ships no real exclusion existed.

The Army and Marine Corps, however, have thousands of infantry, artillery and armor jobs that are currently closed to women. There has been a lot of study and debate over whether to open those positions, because they often involve fighting in small units on the front lines, doing physically punishing tasks.

The Marine Corps set up a task force this year to set gender-neutral job standards and determine whether incorporating women into small squads affected unit cohesion or combat readiness. Companies made up of all men and mixes of men and women spent up to three months in California performing a broad range of unit tasks and going through detailed scientific evaluations to see how they did.

Senior leaders are reviewing those results.

Kane

Continued from Page A1

Those orders say that the purpose of the protective order issued by Carpenter was designed to prevent the intimidation, obstruction or retaliation against witnesses in the leaks investigation. The protective order "was never intended to prevent (the state Attorney General's Office) from carrying out its constitutional duties," according to the unsealed materials.

Furthermore, those orders said, the protective order was "never intended to restrict or impact 'appropriate public disclosure' of information connected with the possession and/or distribution of possibly pornographic images by members," of the state Attorney General's Office.

Carpenter said as much last week when he issued a statement responding to Kane's call for him to lift the protective order.

Carpenter — responding to Kane's statement at a press conference she held to address the criminal charges filed against her by the Montgomery County District Attorney's Office and at which she declined to take questions from the media — said Kane already possessed the emails and that those emails were never introduced into evidence before the grand jury probing the leaks.

Also, nowhere in the district attorney's criminal complaint detailing the charges against Kane is there any mention of the pornographic emails.

County District Attorney Risa Vetri Ferman, receiving the findings of the grand jury investigating the leaks and a recommendation that Kane

be charged criminally, launched her own independent investigation before filing charges against Kane.

Kane's preliminary hearing on those criminal charges is scheduled for Aug. 24.

Kane's legal team, responding to Kane's comments promising to answer the media's questions if she was permitted to release the emails to explain her side of the story, appeared to back off from their client's comments Tuesday.

"We expect that the appropriate public disclosure will occur with the vigorous defense of the criminal charges that have been laid against her," said lead attorney Gerald Shargel, a partner in the New York law firm of Winston & Strawn. "These images and the emails to which they are attached are essential to demonstrating Attorney Kane's innocence."

Corrections

StoryCorps is not part of the Margaret R. Grundy Memorial Library's monthlong recording project "Everyone Has a Story to Tell — What's Yours?" The recordings won't be preserved at the American Folklife Center at the Library of Congress in Washington, D.C., and won't be broadcast on National Public Radio's Morning Edition. Wrong information was published on Monday's edition.

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