8/19

August 15, 1963

Johns-Manville Sales Corporation
Central Parkway at Walnut St.
Cincinnati 2, Ohio
Attention: Mr. R. N. Downing
District Manager

Re: Michael David Mulligan
Claim No. OD-123638

Dear Mr. Downing:

We have your letter of August 9, 1963 inquiring concerning above case. An examination of what file we have indicates that this man claimed to have been exposed to dust frommany substances, and particularly asbestos and magnesium, for 16 years as an insulator. He worked in a plant in Marietta, Ohio when the disability began.

When this OD-4 was filed, it was not certified by C. W. Walter, Contract Manager, Contract Dept., of Johns-Manville Sales Corp. The transmittal letter from Gates McDonald pointed out non-certification, and asked for investigation and hearing. The claimant worked for 2 weeks for Johns-Manville and reported wages for two 5-day weeks.

That is about all of the information we have been able to gather from the file, but at least the matter was disallowed, and we have heard nothing from it yet by way of appeal.

Very truly yours,

EDWARD P. McHUGH AND ASSOCIATES, INC.

H. C. Cheney

HCC/sl

cc-Mr. Sheckler, New York

CRMC-Motley1000-Subj-004508

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August 5, 1963

Johns-Manville Sales Corporation
510 American Boulevard
Central Parkway at Walnut Street
Cincinnati 2, Ohio
Attention: Mr. R. M. Downing
Manager

Re: Michael David Mulligan
Claim No. OD-123638

Dear Mr. Downing:

The hearing of the above claim was held at the offices of the Bureau of Workmen's Compensation at Cincinnati, Ohio, on July 26, 1963, at which time we were present in behalf of the company, and we are providing you with a brief report of the results. If there is any further information you may desire, we shall be glad to supply it for you.

At this hearing, there was presented a report of a specialist who found that the claimant did have some small nodular densities along the bronchi throughout both lungs, suggesting the possibility of pneumoconiosis, pulmonary emphysema, and thickened interlobar pleura right side.

The record disclosed a diagnosis at St. Marys Hospital of pneumoconiosis due to asbestos dust, chronic and acute bronchitis due to dust, and a peptic ulcer. Without going into the details of this examination, the doctor was of the opinion that this claimant had a moderate degree of pneumoconiosis, and this was probably due to the inhalation of asbestos. Claimant was probably suffering from asbestosis. This, however, was faound to be a disability of approximately 15%, with no evidence of tuberculosis as a complication of silicosis.

In view of the fact that the above is a disease of the respiratory tract, claimed to have been occasioned by the inhallation of dust, it is subject to the rules of silicosis cases, and is necessary that there be total disability before compensation can be paid. In view of that fact, the Referee denied the compensation at this time, as the claimant was not shown to be totally disabled. It may be possible, however, that some time in the future, if he ever reaches the stage of total disability, he might have some compensation.

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August 5, 1963

Johns-Manville Sales Corp.
510 American Blvd.
Cincinnati, Ohio
Att: Mr. R. M. Downing

Re: Michael David Mulligan
Claim No. OD-123638

The doctor who examined the claimant was of the opinion that, in addition to the pneumoconiosis, the claimant may have some coronary heart disease which probably plays a great role in causing his physical disability at this time. He saw no need for change of occupation, as apparently the exposure to harmful materials is much less than in previous years, and he doubted that any further harm would be caused by his continuing his present occupation. In other words, it seems unlikely that his disability would increase from any additional exposure in his present occupation.

At the present at least, the matter is disposed of.

Very truly yours,

EDWARD P. McHUGH AND ASSOCIATES, INC.

H. C. Cheney

HCC/sl

cc-Mr. Clifford L. Sheckler, New York

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1/21

GATES, McDONALD & COMPANY
Cost Control Services

WORKMEN'S COMPENSATION - SAFETY
STATE FUND SELF-INSURANCE

HUNTINGTON BANK BUILDING
COLUMBUS 15, OHIO
PHONE 221-7551

UNEMPLOYMENT COMPENSATION
INSURANCE

January 14, 1963

Mrs. Florence E. McQuade
Office Service Manager
Johns-Manville Sales Corporation
2228 Koppers Building
Pittsburgh 19, Pennsylvania

Dear Mrs. McQuade: Claim OD-123638 - David Michael Mulligan

We have continued in our followup of this claim to determine when it would be scheduled for hearing to decide its merits as one involving silicosis.

A review of our file indicates that you had withheld certification because Mr. Mulligan had worked for you only two weeks when he quit his employment because of chest pains, later diagnosed as a disease symptomatic of silicosis. As is customary in this type of situation, the file was referred for extensive investigation. We were able to review the Bureau's file this week which is still charged to investigation. The investigator learned that Mr. Mulligan has worked as an insulator for approximately sixteen years; that his employment with you became effective April 9, 1962; and that the first symptoms appeared approximately a week earlier on April 4, 1962. Briefly, the investigation confirmed that apparently the condition was present before Mr. Mulligan began his employment with your company. The Bureau has concluded that the claim application has been improperly filed against your Risk and should have been processed against the Risk of a construction company located in Pittsburgh, Pennsylvania.

According to the information obtained, Mr. Mulligan returned to gainful employment on May 14, 1962 for the R. E. Kamig Company. If this fact is confirmed, it appears Mr. Mulligan's claim application should be disallowed since the Bureau's rules require that any claim for silicosis must involve total disability. We are not certain at this time whether the application filed against your company will be scheduled for hearing. If you receive notice of such hearing, please forward it to our Columbus office in your usual manner.

Yours very truly,

J. R. Davis
Field Representative
Workmen's Division

JRD:jb

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Cc: Mr. Frank H. Deeg, Insurance Manager
Johns-Manville Sales Corporation
Cc: Mr. Clifford L. Sheckler, Manager
Industrial Health Program
Johns-Manville Corporation
Twenty-Two East Fortieth Street
New York 16, New York

CRMC-Motley1000-Subj-004512

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GATES, McDONALD & COMPANY
Cost Control Services

WORKMEN'S COMPENSATION - SAFETY
STATE FUND SELF-INSURANCE

HUNTINGTON BANK BUILDING
COLUMBUS 15, OHIO
PHONE 221-7551

UNEMPLOYMENT COMPENSATION
INSURANCE

7/30
8/6

July 26, 1962

Bureau of Workmen's Compensation
Columbus 15,
Ohio

Gentlemen: Re: Michael David Mulligan - Inj. Date 4/4/62
Risk - 9423

Enclosed is an uncertified Form C0-4 reporting this claimant's disability.

The employer's reason for withholding certification is given in his letter of July 18, 1962 attached. He feels these facts warrant your further investigation.

At the conclusion of your inquiry, please schedule a hearing in your usual manner.

Yours very truly,
GATES, McDONALD & COMPANY
Representing Johns-Manville Sales Corporation

E. L. Taylor
Claims Department
Workmen's Division

ELT:ar
Enclosure
Cc- Mrs. Florence E. McQuade
Office Service Manager
Johns-Manville Sales Corporation
2228 Koppers Building
Pittsburgh 19, Pennsylvania
Cc- Mr. Frank H. Deeg, Insurance Manager
Johns-Manville Sales Corporation
Twenty-Two East Fortieth Street
New York 16, New York
✓Cc- Mr. Clifford L. Sheckler, Manager
Industrial Health Program
Johns-Manville Corporation
New York 16, New York

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COPY FROM

W/C. "M"

GATES, McDONALD & COMPANY
Cost Control Services
HUNTINGTON BANK BUILDING
COLUMBUS 15, OHIO
PHONE 221-7551

WORKMEN'S COMPENSATION · SAFETY
STATE FUND SELF-INSURANCE

UNEMPLOYMENT COMPENSATION
INSURANCE

July 26, 1962

Bureau of Workmen's Compensation
Columbus 15,
Ohio

Gentlemen: Re: Michael David Mulligan - Inj. Date 4/4/62
Risk - 9423

Enclosed is an uncertified Form C-D-4 reporting this claimant's disability.

The employer's reason for withholding certification is given in his letter of July 18, 1962 attached. He feels these facts warrant your further investigation.

At the conclusion of your inquiry, please schedule a hearing in your usual manner.

Yours very truly,
GATES, McDONALD & COMPANY
Representing Johns-Manville Sales Corporation

E. L. Taylor
Claims Department
Workmen's Division

ELT:ar
Enclosure
Cc- Mrs. Florence E. McQuade
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2228 Koppers Building
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New York 16, New York
Cc- Mr. Clifford L. Sheckler, Manager
Industrial Health Program
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