PLAINTIFF'S
EXHIBIT
P-835

August 26, 1963

Miss Betty McHugh, President
Edward P. McHugh and Associates
1610 East Ohio Building
Cleveland 14, Ohio

Dear Miss McHugh:

Re: Claim No. OD-12k541
William S. McKinney

We are enclosing Form C-115-S, Notice of Hearing, which we received from the Ohio Bureau of Workmen's Compensation in connection with the subject claimant's action against Johns-Manville.

According to our records, this matter was previously referred to Gates McDonald & Company for handling and on March 8, 1963 they returned an uncertified Form OD-4 to the Bureau's office in Columbus, Ohio.

We would appreciate it if you would please investigate and determine the extent of our liability, if any, for this occupational disease injury and take whatever steps are necessary to protect our interests.

Very truly yours,

FRANK H. DESO
Insurance Manager

FHD:vs
Enclosure

CRMC-Motley1000-Subj-004482

KWS 2/17
CLS

September 12, 1963

Johns-Manville Sales Corporation
3101 Euclid Avenue
Cleveland 15, Ohio

Attention: Mr. R. J. Simmerer

Re: William S. McKinney
Claim No. 12:541 CD
Date of Hearing: September 4, 1963

Dear Mr. Simmerer:

The hearing of the above claim was held at the offices of the Bureau of Workmen's Compensation in Columbus, Ohio on September 4, 1963 at which time we were present in behalf of the company, and I am providing you with a brief report of the results. If there is any further information you may desire, I shall be glad to supply it for you.

This matter came on for hearing to determine whether or not this claimant had sustained a compensable occupational disease within the meaning of the Ohio Law. The Referee at this hearing was Mr. Paul Drugan. Claimant appeared along with Mr. Marvin A. Goldstein, Attorney at Law.

The Referee disallowed this claim inasmuch there was no proof that this claimant was exposed to asbestos dust for three years. Further, the report of Damon E. Wetterauer, M.D., a Specialist in respiratory diseases, said that the claimant did not appear seriously disabled and was not found to have silicosis or asbestosis or any other pneumonconiosis which could be thought to be contracted because of his occupation.

If you have any further questions in regard to this claim, please do not hesitate to contact me.

Yours very truly,

EDWARD P. McHUGH AND ASSOCIATES, INC.

CRMC-Motley1000-Subj-004483

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Form C-11A—B

STATE OF OHIO
BUREAU OF WORKMEN'S COMPENSATION
CLAIMS SECTION

No. 124,621 OC

Name William S. McKinney
123 Yelton Street
Erwin, Tennessee

Johns-Manville
22 East 40th Street
New York 16, N.Y.

NOTICE OF HEARING

Marvin A. Goldsmith, Atty.
404 Juliana Street
Parkersburg, W. Va.

Gates, McDonald & Company
Huntington Bank Bldg.
Columbus 15, Ohio

You are hereby notified that the above numbered claim will be for hearing at the office of The Bureau of Workmen's Compensation State Office Building, 65 S. Front Street First Floor, East Hearing Room City of Columbus, Ohio, on the Fourth day of September, 19 63, at 10:00 o'clock A. M.

This notice is sent you for your information in case you desire to be present. You will not be reimbursed for expense incurred in coming to this hearing, unless a subpoena has been issued for your attendance. However, if it is possible for you to appear, you may be able to furnish information which would be of assistance in deciding the questions involved.

Question: ALLOWANCE OF CLAIM - OCCUPATIONAL DISEASE.

TIME STATED IS EASTERN STANDARD TIME

RD:ASC
Aug. 22, 1963

Yours truly,

BUREAU OF WORKMEN'S COMPENSATION

By Paul J. Krugen
Director

CRMC-Motley1000-Subj-004484

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KVS 11/14
CLS 11/7

November 5, 1963

Miss Betty McHugh, President
Edward P. McHugh and Associates
1610 East Ohio Building
Cleveland 14, Ohio

Dear Miss McHugh:

Re: Claim No. OD-12k5k1
William S. McKinney

With reference to our previous correspondence in connection with the subject alleged occupational disease injury, I am attaching hereto a Notice of Assignment of Claim to Regional Board of Review (Form L-115) which I received in the mail on Monday, November 4, 1963. You will note that the claimant's appeal has been assigned to the Columbus Regional Board of Review.

Very truly yours,

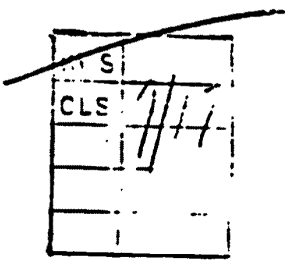
FRANK H. DEEG
Insurance Manager

FHD:vs
Enclosure

cc: C. L. Sheckler

CRMC-Motley1000-Subj-004485

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September 16, 1963

Miss Betty McHugh, President
Edward P. McHugh and Associates
1610 East Ohio Building
Cleveland 14, Ohio

Dear Miss McHugh:

Re: Claim No. CD-12452
William S. McKinney

With reference to my letter of August 26, 1963 in connection with the subject alleged occupational disease injury, I am enclosing herewith for your information a Notice of Finding which was issued by the Ohio Bureau of Workmen's Compensation on September 4, 1963. I would appreciate it if you would please mark your records with respect to the decision handed down by the Bureau and return the enclosed Notice for the completion of my file.

I was very pleased to note that the Bureau's review resulted in a denial of the claimant's application for compensation and benefits arising out of his employment with Johns-Manville and that a total sum of $196.62 was ordered paid out of the Surplus Fund to cover medical examination fees and travel expenses incurred by the claimant. I would like to take this opportunity to express my appreciation for your activities on our behalf in representing us in this matter.

Very truly yours,

CRMC-Motley1000-Subj-004486

EDWARD P. McHUGH AND ASSOCIATES, INC.
INDUSTRIAL CONSULTANTS
WORKMEN'S COMPENSATION · UNEMPLOYMENT INSURANCE · WAGE AND HOUR LAW
1610 EAST OHIO BLDG. • • TOwer 1-1266 • • CLEVELAND 14, OHIO
595 BEACON BLDG. • • CApitol 4-3484 • • COLUMBUS 15, OHIO

February 14, 1964

Johns-Manville Corporation
22 East 40th Street
New York, N.Y.
Attention: Mr. Clifford Sheckler

Re: Wm. S. McKinney
Erwin, Tenn.
Claim No. OD-124541

Dear Mr. Sheckler:

We are in receipt of a Notice from the Bureau of Workmen's Compensation of the State of Ohio that a hearing will be held in the above claim on March 3, 1964 at Columbus, Ohio, at 10:00 A.M.

We wish to advise you that we will be present at this hearing in your behalf and will notify you of the proceedings of the hearing and the decision of the Bureau immediately thereafter.

Very truly yours,

EDWARD P. McHUGH AND ASSOCIATES, INC.

E. C. Cheney

ECC/sl

E. C. Cheney SL

CRMC-Motley1000-Subj-004487

March 13, 1964

Johns-Manville Sales Corporation
3101 Euclid Avenue
Cleveland 15, Ohio

Attention: Mr. R. J. Simmerer

Re: William McKinney
Claim No. OD-12[illegible]

Dear Mr. Simmerer:

This claim was set for hearing before the Columbus Regional Board of Review on March 3, 1964, at which time I attended the hearing together with Mr. Richard Swearengin and Mr. John Reardon of our staff.

The claimant was present at the hearing together with his attorney, Mr. Marvin Goldstein, and they proceeded to argue that the claimant had sustained an occupational disease known as asbestosis as the result of his employment with Union Carbide Bakelite Company in Marietta, Ohio, one of your subsidiaries. However, he described merely a four day incident that he alleged he inhaled fumes while working over a tank and became ill. When questioned he was unable to state clearly that he had been exposed for three years to injurious dusts. Further, the Safety & Hygiene Section had never made any report of injurious exposure to dust in this claim, and the claimant was not totally disabled as required under the law for silicosis claims. I pointed out the extensive report that was made by Dr. Damon Wetterauer in which his opinion was clearly indicated that "this patient does not appear seriously disabled and he is not found to have silicosis or asbestosis or any other pneumoconiosis which could be thought to be contracted because of occupational, injurious exposure to dusts or other occupational disease".

Based upon this strong medical opinion, the claimant's attorney sought to override it with arguments to the effect that he had a number of doctors who supported his position that the claimant was exposed to asbestosis and that they had diagnosed it as such. However, I emphasized that the specialist's report was one which was obtained as a result of the Industrial Commission submitting it to the specialist for his complete review and that in my opinion the review was substantial and based upon all the evidence in the file reviewing completely the Cleveland Clinic reports and all other medical reports with the conclusion just emphasized.

CRMC-Motley1000-Subj-004488

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We have received an order now from the Columbus Regional Board of Review which indicates that "the Board, upon considering the issues involved in this claim, was of the opinion that the prehearing conference would serve no useful purpose, and same was, therefore omitted. The order of the Administrator dated September 4, 1963, is affirmed. The proof of record fails to establish that the claimant suffers from an occupational disease, described as asbestosis, or any form of pneumoconiosis, contracted in the course of his employment with the named employer. The claim is disallowed."

No doubt the claimant's attorney will appeal this to the Industrial Commission. Consequently, when you receive a notice of a date that this hearing will come up before the Commission, please let us know and we will attend on your behalf.

Yours very truly,

EDWARD P. McHUGH AND ASSOCIATES, INC.

John O. Freedom

JOF:cp
cc: Mr. Sheckler
New York, New York

COPY

CRMC-Motley1000-Subj-004489

COPY FROM

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

March 8, 1963

Bureau of Workmen's Compensation
Columbus 15,
Ohio

Gentlemen: Claim OD-124541 - William McKinney
Quit Work 4/62
Risk - 75923

We are enclosing an uncertified Form OD-4 which is a duplicate application of Claim OD-124541.

The employer has withheld certification for the reason set forth in his letter of March 1, 1963 attached.

After your investigation has been concluded, please determine the merits of this claim at a hearing scheduled in your usual manner.

Yours very truly,
GATES, McDONALD & COMPANY
Representing A. P. O'Hara Company

E. L. Taylor

E. L. Taylor
Claims Department
Workmen's Division

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

CRMC-Motley1000-Subj-004490

Form C-8—626—7-54

NOTE: This form is only to be used in cases where it is alleged that a specific requirement was violated by the employer. This application should not be filed prior to the filing of Application for Compensation (Form C-1, C-88, C-47). Applications for additional awards must be filed in duplicate within 2 years after date of injury.

WORKMEN'S COMPENSATION
THE INDUSTRIAL COMMISSION OF OHIO
CLAIMS SECTION

Name.. WILLIAM S. McKINNEY

Claim No OD 124541

Application for Additional Award
Violation of Specific Requiremen.
NON-FATAL INJURY

The applicant herein, WILLIAM S. McKINNEY, says that he has file above numbered claim with the Industrial Commission of Ohio, and applied for an award as shown by the recor said Commission.

Said applicant hereby makes application for an additional award because of the failure of the employer named herein to comply with a specific requirement for the protection of the lives, health and safety of employees.

In support of this application, said applicant hereby alleges that:—

1. he sustained an injury on the day of April 1962 at 9:00 M
2. While employed by Johns-Manville Fiber Glass Inc.
   of Cleveland, Ohio (Street and Number) Street (City)
3. The following injury was sustained: Lung irritation from breathing over chemical tanks
4. Said injury was sustained in the following manner: This lung condition happened whil being on a scaffold, which was over the tanks. The air passed through the tanks and I was unable to move away in time, causing an irritation.
5. Said injury was sustained while applicant was engaged in doing: Pipe insulation and tank insulation. Also dismantling old insulation from tanks
6. Said employer named herein violated the following specific requirement which caused the applicant to sustain said injury: I was not given safety goggles, respirator or heavy clothing. The respirator should have been issued most important. All this was carried on a shut down basis. These tanks used acid and phenol. (Chapters 14 and 15 of Bulletin No. 203, entitled "Personal Protective equipment" and "Ventilation and Exhausts")

The names and addresses of persons who witnessed the accident and are familiar with the violation of said specific requirements are: George Orr, Walker, West Virginia

RECEIVED MAR 25 1964 BUREAU OF WORKMEN'S COMPENSATION

RECEIVED MAR 30 1964 INDUSTRIAL COMMISSION OF OHIO COLUMBUS

RECEIVED MAR 27 1964 INDUSTRIAL COMMISSION OF OHIO REGIONAL BOARD OF REVIEW

efore said applicant requests that said claim be reheard by said Commission and that an additional award be ue to the failure of said employer to comply with the above named specific requirement.

uo, County of Washington

WILLIAM S. McKINNEY being first duly sworn, says that ed in the foregoing application are true.

(Applicant will sign here)

(Address)

d subscribed before me this 24th day of March 64

(Notary Public)

Commission Expires

CRMC-Motley1000-Subj-004491

THE INDUSTRIAL COMMISSION OF OHIO
COLUMBUS 15, OHIO

JAMES A. RHODES
GOVERNOR

B. HOLLAND SNYDER, CHAIRMAN
ARISTOTLE S. PARKER, VICE CHAIRMAN
RICHARD W. TOWNE, SECRETARY

June 4, 1964

Claim No.-O.D.-124541
(William S. McKinney)

Johns Manville Company
22 East 40th Street
New York 16, New York

Gentlemen:

You are hereby notified that applicant has filed with the Industrial Commission of Ohio, under the provisions of Article II, Section 35, of the Constitution, an Application for Additional Award for Violation of Specific Safety Requirement. Copy of said application is attached hereto.

Unless answer is filed by you containing statements to the contrary, the Commission may assume that the allegations in said application are admitted by you as being true and will act accordingly. If you desire to submit an answer (in duplicate), the same should be on file with the Commission not later than June 16, 1964.

No investigation will be made in connection with this application until such time as some compensation may be paid thereon, as there is no evidence in the file at this time on which to base a claim to an additional award for violation of specific safety requirement.

Very truly yours,

Thomas E. Brock
Assistant Deputy
Legal Administrator

TEB:JAN.
Encl. (Certified)
cc: Marvin A. Goldstein, Attorney,
404 Julianna Street
Parkersburg, West Virginia.

CRMC-Motley1000-Subj-004492

June 9, 1964

Mr. John O. Freedom, Esq.
Edward P. McHugh & Associates, Inc.
1610 East Ohio Building
Cleveland 14, Ohio

RE: William McKinney
Claim No. OD-124541

Dear John:

Enclosed please find an "Application for Additional Award for Violation of Specific Requirement" filed by subject petitioner. Will you kindly handle this matter.

You currently have an extensive file on this claim. Mr. McKinney is represented by Marvin Goldstein. The Industrial Commission Regional Board of Review affirmed the order of the Administrator on 10/24/62 and ruled that the claim for pneumoconiosis was disallowed.

You will note on the enclosed application that the employer's name (item 2) is incorrect. Mr. McKinney was working for Johns-Manville Sales Corporation at the time of the alleged injury. He was employed as an insulation worker on a job at the Bakelite Company, Marietta, Ohio.

I'm confident that you have a complete medical file in reference to this case as the result of the prior hearing. While it is doubtful that the enclosed application can be upheld, I am interested in your opinion of liability if an award were made under these circumstances. Would J-M be responsible or would Bakelite Company be totally or partially responsible?

Please send copies of your correspondence regarding this matter to R. J. Simmerer and also keep me advised. My best personal regards to all of you.

Very truly yours,

C. L. Shackler, Manager
Industrial Health

R. J. Simmerer, Manager
Cleveland Sales Office
T. W. Lanigan, GHQ

CRMC-Motley1000-Subj-004493

INDUSTRIAL COMMISSION OF OHIO

CLAIMS SECTION

Claim No. OF-124541) AGENT OF

Claimant: William S. McKinney) JOHNS-MANVILLE SALES CORP.

The Johns-Manville Sales Corporation, the employer herein, in answer to claimant's Application for Additional Award for Violation of Specific I ment Non-Fatal Injury, says that it denies the claimant's allegations i particular and points out the order of the Columbus Regional Board of R which states, "The order of the Administrator dated September 4, 1963, i affirmed. The proof of record fails to establish that the claimant suff from an occupational disease, described as asbestosis, or any form of pn coniosis, contracted in the course of his employment with the named emp The claim is disallowed."

The employer further denies that the claimant's alleged injury was the r of or caused by any violation by this employer of any specific safety re ment established by the Industrial Commission of Ohio as set forth in sa application, or by any other violation.

The employer, Johns-Manville Sales Corporation, therefore requests that t application be denied.

_____

_____

Sworn to before me and subscribed in my presence at Cleveland, Ohio on th _____ day of June 1964.

_____

Notary Public

CRMC-Motley1000-Subj-004494

June 11, 1964

Johns-Manville Sales Corporation
3101 Euclid Avenue
Cleveland, Ohio 44115

Attention: Mr. R.J. Simmerer

Re: William McKinney
Claim No. OD-[illegible]

Dear Mr. Simmerer:

With reference to the claim of the subject claimant and in answer to the claimant's Application for Additional Award for Violation of Specific Requirement filed by the claimant through his attorney, will you be so kind as to sign the attached answer of the employer before a Notary Public and send the same without delay to the Assistant Deputy Legal Administrator, Thomas I Brock, of the Industrial Commission of Ohio, Columbus 15, Ohio.

The deadline for the receipt of the answer is not later than June 16, 1964. Consequently, if you were to prepare a letter to Mr. Brock on your stationer stating that you are sending him the attached copy of an answer which you w to have filed in the subject claim by Friday, the date that you will receiv this letter, he should receive it a day in advance of his indicated deadlin A copy of his letter to the New York office of Johns-Manville is appended he to. Also a copy of the letter of Mr. Sheckler is enclosed for quick refere Also enclosed herewith is a copy of my response to his letter.

Yours very truly,

EDWARD P. McHUGH AND ASSOCIATES, INC.

John E. Freedom

JEF:ep
Enclosures
cc: Mr. Clifford L. Sheckler
New York

CRMC-Motley1000-Subj-004495

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EDWARD P. McHUGH AND ASSOCIATES, INC.
INDUSTRIAL CONSULTANTS
WORKMEN'S COMPENSATION - UNEMPLOYMENT INSURANCE - WAGE AND HOUR LAW
1610 EAST OHIO BLDG. • • TOwer 1-1266 • • CLEVELAND 14, OHIO
895 BEACON BLDG. • • CApitol 4-3484 • • COLUMBUS 15, OHIO

June 11, 1964

Johns-Manville Corporation
22 East 40th Street
New York, New York 10016

Attention: Mr. Clifford Sheckler

Re: William McKinney
Claim No. OD-124541

Dear Cliff:

This will acknowledge with thanks the receipt of your letter of June 9, 1964. In response thereto, I have taken the liberty of writing to Mr. R.J. Simmerer, manager of the Cleveland sales office, and sending him an answer to the claimant's "Application for Additional Award for Violation of Specific Requirement." A copy of my letter to him is appended hereto.

I might add that our file is complete insofar as the medical reports from various doctors are concerned and I do agree with you that it is doubtful that the claimant's Application for Additional Award for Violation of Specific Safety Requirement can be upheld. In response to your question as to my opinion abo liability if an award were made under these circumstances, I might add that it is my considered judgment that Johns-Manville Sales Corporation would be responsible since it is the claimant's employer and amenable to the Workmen's Compensation laws of Ohio. The Bakelite Company where the claimant was workin at the time might be the subject of a separate law suit by the claimant which would have no connection with the Workmen's Compensation laws of Ohio.

We shall, of course, follow through on this claim and make every effort to pro the employer's interests by having the claimant's application denied.

With best wishes from all of us, I am

Yours very truly,

EDWARD P. McHUGH AND ASSOCIATES, INC.

John G. Freedom

JGF:cp
Enclosure
Cc - Mr. R. J. Simmerer
Johns-Manville Sales Corporation

CRMC-Motley1000-Subj-004496

June 12, 1964

Industrial Commission of Ohio
Columbus 15, Ohio

Attention: Mr. Thomas E. Brock,
Asst. Deputy Legal Administrator

RE: William McKinney
Claim No. OD-124541
Your Letter June 4

Gentlemen:

We wish to file an answer to this claimant's Application for Additional A
for Violation of Specific Safety Requirements.

Enclosed are two copies of our answer, which I believe you will find self-
explanatory.

Very truly yours,

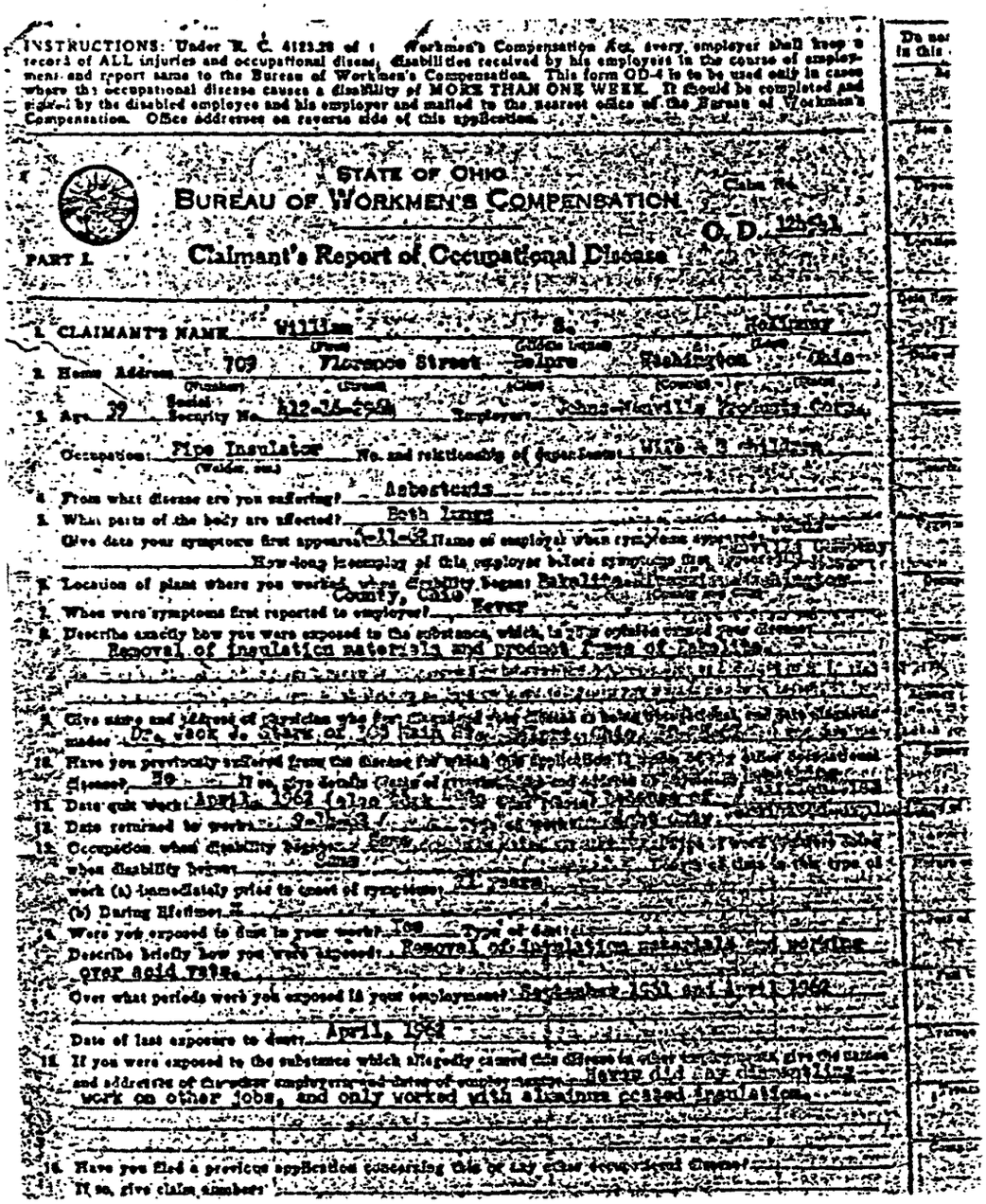
JOHNS-MANVILLE SALES COR

R. J. Simmerer,
Office Manager

RJS/er
cc: Edward F. McHugh & Associates, Inc.
1610 East Ohio Building
Cleveland, Ohio 44114

Mr. Clifford L. Sheckler - GEN, Box 91
F. B. McQuade - Pittsburgh
File

CRMC-Motley1000-Subj-004497



INSTRUCTIONS: Under R. C. 4123.28 of the Workmen's Compensation Act, every employer shall keep a record of ALL injuries and occupational diseases, disabilities received by his employees in the course of employment and report same to the Bureau of Workmen's Compensation. This form OD-4 is to be used only in cases where the occupational disease causes a disability of MORE THAN ONE WEEK. It should be completed and signed by the disabled employee and his employer and mailed to the nearest office of the Bureau of Workmen's Compensation. Office addresses on reverse side of this application.

STATE OF OHIO
BUREAU OF WORKMEN'S COMPENSATION
Claim No.
O.D. 12[illegible]

PART I. Claimant's Report of Occupational Disease

1. CLAIMANT'S NAME William S. McKinney
2. Home Address 709 (Number) Florence Street (Street) Zelpre (City) Washington (County) Ohio (State)
3. Age 39 Social Security No. 312-26-[illegible] Employer Johns-Manville Products Corp.
Occupation: Pipe Insulator (Welder, etc.) No. and relationship of dependents: Wife & 3 children
4. From what disease are you suffering? Asbestosis
5. What parts of the body are affected? Both Lungs
Give date your symptoms first appeared: 5-11-62 Name of employer when symptoms appeared: Johns-Manville
How long in employ of this employer before symptoms first appeared? 1 year
6. Location of plant where you worked when disability began: Rakeliff, Meigs County, Ohio
7. When were symptoms first reported to employer? Never
8. Describe exactly how you were exposed to the substance which in your opinion caused your disease: Removal of insulation materials and product lines of Johns-Manville.
9. Give name and address of physician who first examined you and found you to be disabled and by whom you were employed: Dr. Jack D. Stark of 709 Main Ave., Clarington, Ohio
10. Have you previously suffered from the disease for which you now apply? [illegible] If so, give details (date of attack, name and address of employer at time of disease) 39
11. Date quit work: April 1, 1962 (also state if you have since returned to work)
12. Date returned to work: [illegible]
13. Occupation when disability began: Same
When disability began: Same
Time of day in the type of work (a) immediately prior to onset of symptoms: 21 years
(b) During lifetime: [illegible]
14. Were you exposed to dust in your work? Yes Type of dust: [illegible]
Describe briefly how you were exposed: Removal of insulation materials and working over acid vats.
15. Over what periods were you exposed in your employment? February 1961 and April 1962
Date of last exposure to dust: April, 1962
16. If you were exposed to the substance which allegedly caused this disease in other employments, give the names and addresses of former employers and dates of employment: Never did any other employment work on other jobs, and only worked with asbestos coated insulation.
17. Have you filed a previous application concerning this or any other occupational disease?
If so, give claim number:

Do not write in this space

CRMC-Motley1000-Subj-004499

Form RB-57-OD
10M—12-55

THE INDUSTRIAL COMMISSION OF OHIO, COLUMBUS — REGIONAL BOARD OF REVIEW

NOTICE OF FINDING

Employee William S. McKinney Claim No. OD 12541

Street and No. 123 Tolton Street Date of Disability October 24, 1958

City Erwin, Tennessee (State) Manual No. 4233

Employer JOHNS MANVILLE COMPANY Risk No. 2,240
Attn: LEGAL DEPT.

Street and No. 22 East 40th Street

City New York 16, New York (State)

PREVIOUS AWARDS FOR COMPENSATION AND MEDICAL SERVICES

Temporary Total to ____ Amount $____
Temporary Partial to ____ Amount $____
Permanent Partial from ____ Amount $____
Permanent Total from ____ 19__ Amount $____
Total Medical Services to date ____ Amount $____

FINDINGS OF FACTS AND MINUTES

On this day this claim was before the Board on appeal, having been assigned by The Industrial Commission of Ohio, and findings and orders were made for the payment of items listed below. The Auditor of The Bureau of Workmen's Compensation of Ohio was instructed to issue such warrants as are necessary to pay such items.

MEDICAL BILLS

Item	Name*	Address	Amount	Warrant No.

COMPENSATION ____ Weeks at Rate of $____

Type		Amount	Warrant No.

* Note to Auditor — In absence of another name, claimant is Payee.

Marvin Goldstein, Attorney at Law and Claimant
(Present for claimant) (Address)

John C. Freeman, Attorney at Law & Swearingin and Edward Kelsey for Employer
(Present for employer) (Address)

James Dickman, Asst. Atty. Gen.

This action was based upon the following motion made by Mr. PAYNE

RE: PW

The Board, upon considering the issues involved in this claim, was of the opinion that a rehearing conference would serve no useful purpose, and same was, therefore, omitted.

The order of the Administrator dated September 4, 1963, is affirmed. The proof of record fails to establish that the claimant suffers from an occupational disease, described as asbestosis, or any form of pneumoconiosis, contracted in the course of his employment with the named employer. The claim is disallowed.

Claimant and/or employer may APPEAL DECISION within sixty days from date hereof to COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO. Order mailed cert. Mail to claimant and employer: 3-3-64

cc: Marvin Goldstein and R/W Schaich

That any special findings or order written hereon supersedes any printed matter in conflict therewith.

This motion was seconded by Mr. McCRACKEN and voted upon as follows:
Mr. PAYNE aye; Mr. McCRACKEN aye; Mr. McCABE aye.

Entered at COLUMBUS, OHIO Ohio.
Date March 3, 1964 Secretary Edmund C. Quy

I, Wm. McCRACKEN member of the Regional Board of Review
do hereby certify that the above and foregoing is a true and correct copy of the Record of Proceedings had by the COLUMBUS Board of Review at a hearing held by said Board pursuant to an assignment by The Industrial Commission of Ohio under the provisions of Section 4123.516 of the Revised Code of Ohio.

(Member)

CRMC-Motley1000-Subj-004500

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(State)

PREVIOUS AWARDS FOR COMPENSATION AND MEDICAL SERVICES

Temporary Total to ____ Amount $____

Temporary Partial to ____ Amount $____

Permanent Partial from ____ Amount $____

Permanent Total from ____ 19__ Amount $____

Total Medical Services to date ____ Amount $____

FINDINGS OF FACTS AND MINUTES

On this day this claim was before the Board on appeal, having been assigned by The Industrial Commission of Ohio, and findings and orders were made for the payment of items listed below. The Auditor of The Bureau of Workmen's Compensation of Ohio was instructed to issue such warrants as are necessary to pay such items.

MEDICAL BILLS

Item	Name*	Address	Amount	Warrant No.

COMPENSATION ____ Weeks at Rate of $____

Type		Amount	Warrant No.

* Note to Auditor — In absence of another name, claimant is Payee.

Harvis Goldstein, Attorney at Law and Claimant
(Present for claimant) (Address)

John C. Freeman, Attorney at Law & Emmerglick and Edward Kemp for Employer
(Present for employer) (Address)

James Bickman, Asst. Atty. Gen.

This action was based upon the following motion made by Mr. PAICH

The Board, upon considering the issues involved in this claim, was of the opinion that a rehearing conference would serve no useful purpose, and same was, therefore, omitted.

The order of the Administrator dated September 4, 1961, is affirmed. The proof of record fails to establish that the claimant suffers from an occupational disease, described asbestosis, or any form of pneumoconiosis, contracted in the course of his employment with the named employer. The claim is disallowed.

Claimant and/or employer may appeal decision within ten days from date mailed. INDUSTRIAL COMMISSION OF OHIO. Order mailed cert. Mail to claimant and employer 3-3-61 cc.

cc: Harvis Goldstein and I/P Branch

That any special findings or order written hereon supersedes any printed matter in conflict therewith.

This motion was seconded by Mr. MCCRACKEN and voted upon as follows:

Mr. PAICH, aye; Mr. MCCRACKEN, aye; Mr. [illegible], aye.

Entered at COLUMBUS, OHIO, Ohio.

Date March 3, 1961 Secretary Edmund G. Quaif

I, W. J. MCCRACKEN member of the Regional Board of Review.

do hereby certify that the above and foregoing is a true and correct copy of the Record of Proceedings had by the COLUMBUS Board of Review at a hearing held by said Board pursuant to an assignment by The Industrial Commission of Ohio under the provisions of Section 4123.516 of the Revised Code of Ohio.

[redacted]

CRMC-Motley1000-Subj-004501

STATE OF OHIO
BUREAU OF WORKMEN'S COMPENSATION
DISTRICT OFFICE
511 MASONIC TEMPLE BUILDING
ZANESVILLE

MICHAEL V. DISALLE
GOVERNOR

JAMES L. YOUNG
ADMINISTRATOR

January 11, 1963

Re: Claim No. O.D. 124541
William S. McKinney
709 Florence St.
Belpre, Ohio

Employer:
Johns-Manville Products Corp
2228 Keppers Bldg.
Pittsburgh 19, Pa.

Johns-Manville Products Corp.
2228 Keppers Bldg.,
Pittsburgh, 19, Pa.

Dear Sirs:

Enclosed you will find duplicate O.D. 4 application of the above captioned claimant, William S. McKinney, whereon he is alleging he contracted asbestosis, both lungs, while employed by your company removing insulation materials at the Bakelite Company in Marietta, Ohio. Further thereon he lists these symptoms first appeared June 11, 1962; terminated his employment in April of 1962.

This office is unable at this time to furnish you with any further particulars regarding this case other than those as listed on Form O.D. 4. The claim file is presently in our Zanesville office undergoing investigation and an attempt was made by one of our investigators to contact the claimant at his home and it is found that he is temporarily somewhere in Arizona or California.

We are asking that you complete Part II of the O.D. 4 application on the reverse side of same, listing claimant's wages, by pay dates, for all periods of employment covering the period April 1961 through April 1962. If for any reason you do not wish to certify this as a valid claim, we ask that you submit letter stating reasons for not certifying same.

Your prompt attention in this matter will be greatly appreciated.

Yours very truly,

Harry A. Core
Deputy Administrator

RJR:fm

CRMC-Motley1000-Subj-004502

3/4
3/11

March 1, 1963

Gates, McDonald & Company
Huntington Bank Building
Columbus 15, Ohio

Attn: Mr. J. R. Davis,
Field Representative
Workmen's Division

Gentlemen:

SUBJ: CLAIM OD-124541
WILLIAM S. MCKINNEY

Refer to attached report of occupational disease claim from which we are witholding certification, based on the following points of disagreement.

Claimant hired 10/1/61 and continued working through 4/29/62. Employee returned to work for one day 6/11/62 on which he received 3 hours travel time pay - but did not actually work that day. In any case, a limited term of employment with us.

Claimant has indicated his employer as Johns-Manville Products Corporation, rather than Johns-Manville Sales Corporation, the correct name of employer.

As to claimant's statement, "Ever did any dismantling work on other jobs, and only worked with aluminum coated insulation," we submit that aluminum jacketed insulation had not been used on a wide scale until about 1953 - 1958. Prior to this time, it was very rare that specifications for this type of finish was used. Therefore, applicant's claim that this is the only kind of work he was doing over the past 21 years is not logical.

Very truly yours,

C. W. Battson,
Contract Manager

cc: Dr. K.W. Smith, N.Y.
File

CRMC-Motley1000-Subj-004503

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March 19, 1963

Mr. Harry A. Core, Deputy Administrator
Bureau of Workmen's Compensation
District Office
511 Masonic Temple Building
Zanesville, Ohio

Dear Mr. Core:

Re: Claim No. OD-12[illegible]41
William S. McKinney
709 Florence Street
Delphos, Ohio

We wish to acknowledge receipt of your letter of March 11th enclosing a duplicate of claimant's OD-4 application together with your third request that we complete Part II of the form, including wages and either certification or non-certification.

We regret any delay in providing you with the requested information which may have been occasioned while we made a thorough review of our records since Mr. McKinney was actually employed by Johns-Manville Sales Corporation and not Johns-Manville Products Corporation as was originally reported.

In any event the matter was referred to Gates, McDonald & Company for handling and attached hereto is a copy of their letter of March 8, 1963 addressed to the Bureau of Workmen's Compensation. You will note that requested form OD-4 was returned uncertified to the Bureau's Columbus, Ohio office on March [illegible].

We trust that this information will permit your office to continue to investigate and evaluate the merits of this claim in your customary manner.

Very truly yours,

CRMC-Motley1000-Subj-004504

836

PLAINTIFF'S EXHIBIT P-836

Division Headquarters
January 30, 1963

Dr. K. W. Smith

Claim OD-123638 - D. M. Mulligan
Columbus, Ohio
Claim OD-124541 - W. S. McKinney
Belpre, Ohio

We are attaching the two subject files which we received by mail January 28.

Each claimant alleges that he contracted Asbestosis while in Johns-Manville employ.

Please review and advise what, if any, action should be taken by us here at Headquarters or W. D. Gaches, Cleveland District Manager.

A. L. Breadner

cc: M. W. Burleson
K. M. Thomson
R. A. Stapleton
F. H. Deeg - w/att.
W. D. Gaches - Cleveland
A. G. Reinker - Cleveland
C. W. Wattson - Pittsburgh
C. Petersen - Columbus

File

CRMC-Motley1000-Subj-004505

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EMPLOYEE RECORD

No.

Name

Address

Change of Address

Employed By Date Employed As

Date	Trade	Rating*	Job Name and Location

Date Left | Reason

Remarks: Explain any reasons other than reduction in work force

If employee discharged for lack of work, comment on his performance as workman

Signed: _____
Supervisor

Date: _____

*Under Rating put M - Mechanic, H - Helper, F - Foreman

CRMC-Motley1000-Subj-004506

EMPLOYEE RECORD

Name No.

Address

Change of Address

Employed By Date Employed As

Date Trade Rating* Job Name and Location

Date Left Reason

Remarks: Explain any reasons other than reduction in work force

If employee discharged for lack of work, comment on his performance as workman

Signed: _____
(Supervisor)

DATE: _____

* Under Rating - put M - Mechanic, H - Helper, F - Foreman

CRMC-Motley1000-Subj-004507