FILE NAME: The Budd Company (BUD)

DATE: 1966-1968

DOC#: BUD016

DOCUMENT DESCRIPTION: Workmen's Comp Claims and Rulings

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MONTGOMERY, McCRACKEN, WALKER & RHOADS
1421 CHESTNUT STREET
PHILADELPHIA, PA. 19102
(215) LOcust 3-0650
CABLE "ROMOCK"

J. WESLEY McWILLIAMS
CLAUDE B. WAGONER

July 11, 1966

HAND DELIVER

Honorable Joseph A. Keating
Referee, First District
Workmen's Compensation Board
Broad & Spring Garden Streets
Philadelphia, Pa. 19130

Re: Joseph K. Kollmer, Jr. v. The Budd Company
Petition No. 191,117

Dear Referee Keating:

On behalf of the Company, I am enclosing the original and two copies of the Answer in the above matter. Would you kindly note my appearance for the defendant, The Budd Company.

Very truly yours,

Carter R. Buller

CRB:jfw

Enclosure

Blind cc: Miss Mabel F. Mudd

FORM LIBC-364-20M-11-65

Commonwealth of Pennsylvania
Department of Labor and Industry

DEFENDANT'S ANSWER TO CLAIM PETITION

Bureau of Workmen's Compensation
Harrisburg, Pa.

JOSEPH J. KOLLMER, JR.
Claimant
5000 McKean Avenue
Street Number
Philadelphia, Pa.
City and State
THE BUDD COMPANY
Employer
2450 Hunting Park Avenue
Street Number
Philadelphia, Pa. 19132
City and State

Claim Petition No. [illegible]
Philadelphia July 11, 1966

(Self-Insured)
Insurance Carrier

Address

TO THE WORKMEN'S COMPENSATION BOARD, COMMONWEALTH OF PENNSYLVANIA:

The answer of the defendant to the above entitled claim petition respectfully represents:

1. Admitted.
2. Total disability as a result of Silicosis denied. Proof demanded, if material, of the remaining allegations of Paragraph 2.
3. Employment in a hazardous occupation having a silica hazard denied. Proof demanded, if material, of the remaining allegations of Paragraph 3.
4. Exposure to Silica hazard denied. Proof demanded, if material, of the remaining allegations of Paragraph 4.
5. Proof demanded, if material.
6 (a). Proof demanded, if material.
6 (b).
6 (c).
7. Proof demanded, if material.
8. Proof demanded, if material.
9. Proof demanded, if material.
10. Proof demanded, if material.
11. Proof demanded, if material.

As a further matter of defense the defendant states the following:

12. Silicosis denied. Proof demanded, if material, of the remaining allegations of Paragraph 12.

As a further matter of defense the defendant states the following:

The Employer denies that the claimant was exposed to any Silicosis or other occupational disease hazard, and denies that the claimant's disability was in any way brought about by any Silicosis or other occupational disease hazard in the course of his employment with The Budd Company. The claim is barred by the Statute of Limitations.

Wherefore the defendant prays that the claim petition be dismissed.

Enter my appearance for defendant
s/Carter R. Buller
Carter R. Buller, Esquire
15th Floor, Bourse Building, 1421
Chestnut St., Phila., Pa. 19102
Address

THE BUDD COMPANY
2450 Hunting Park Avenue
Philadelphia, Pa. 19132
Defendant

BY: s/Carter R. Buller
Address
Carter R. Buller, Attorney

Subscribed and sworn to before me, this 11th day of July 19 66
at Philadelphia, Pennsylvania
s/Eloise O. Klinger
(This affidavit may be sworn to before a Compensation Referee or any other person authorized to administer an oath.)
Notary Public, Philadelphia, Philadelphia Co.
My Commission Expires February 21, 1969

My Commission expires on the [illegible] day of [illegible] 19

This answer should be filed direct with the office of the Referee to whom the case is assigned. Answer must be filed within 20 days. Every allegation in a claim petition not specifically denied will be deemed to be admitted. Blanket denials or "proof demanded" will not be a compliance with this requirement.

CONFIDENTIAL-SUBECT TO PROTECTIVE ORDER

FORM LICB-23A-35M-9-67

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
WORKMEN'S COMPENSATION BOARD

REFEREE'S NOTICE OF POSTPONEMENT

JOSEPH J. KOLLMEN
Claimant

5000 McKean Avenue
Street Address

Philadelphia, Pa.
City

vs.

TYPE MFG. COMPANY
Defendant

Red Lion Rd., Philadelphia, Pa.
Address

March 25, 1968

Claim Petition No. Dec. Cl. # 191,117

Compensation Agreement No. _____

To Leonard H. Segel, Esquire
710 Two Penn Center Plaza
Philadelphia, Pa.

To Daniel Boudinot, Esquire
1410 One East Penn Square Bldg.
Philadelphia, Pa.

To Gerald A. Gleeson, Esquire
1421 Chestnut St.
Philadelphia, Pa.

To _____

Hearing in the above case which was set for Thursday, April 11, 1968

at 1527 State Office Bldg.,

has been postponed. to Thursday, April 25, 1968, at 10:00 A. M.

All parties in interest will receive due notice of the time and place of hearing.

STANLEY B. NELSON, REFEREE
RM 1518 STATE OFFICE BLDG.
BROAD AND SPRING GARDEN STS.
PHILADELPHIA, PA. 19130
(Referee)

(Office Address)

EXHIBIT
Bauer 17
2-8-18 WB
PENGAD 800-631-6989

CONFIDENTIAL-SUBECT TO PROTECTIVE ORDER

Form LICB-320—35M—1-66

Commonwealth of Pennsylvania
DEPARTMENT OF LABOR AND INDUSTRY
WORKMEN'S COMPENSATION BOARD
HARRISBURG 17120

NOTICE OF Occ. Claim PETITION

The enclosed copy of petition has been presented to the Workmen's Compensation Board.

Claimant: Joseph J. Kollmar, Jr.
Address: 5000 McKean Ave. Phila., Pa. Zip Code

Philadelphia

Defendant: The Budd Co.
Address: 25th and Hunting Park Ave. Phila., Pa. Zip Code

PETITION NO. 191,117

AGREEMENT NO. 180,427

Harrisburg, Pa. 6-21-66

The above petition has been assigned to
COMPENSATION REFEREE Joseph A. Keating
DISTRICT #1
ADDRESS 1400 Spring Garden St., Phila., Pa.
for investigation and determination in accordance with the provisions of the Pennsylvania Workmen's Compensation Act and the Occupational Disease Act.

We hereby notify you that unless an answer shall be filed with the said Referee at his office within twenty days from the date of this notice, the facts alleged in the petition will be deemed to be admitted and no testimony will be required from the claimant to prove, nor heard in your behalf to deny, such facts.

WORKMEN'S COMPENSATION BOARD

Self insured.

Joseph A. Keating
Secretary

Att: C. H. Hughes, Jr., Esq.

NOTE: Your answer must be made in triplicate and filed with the Referee.

bo

CONFIDENTIAL-SUBECT TO PROTECTIVE ORDER

Form LIBC-382-15M-2-64

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY

CLAIM PETITION FOR COMPENSATION FOR SILICOSIS, ANTHRACO-SILICOSIS AND ASBESTOSIS

Self Ins.
BUREAU OF WORKMEN'S COMPENSATION
HARRISBURG, PA.

Rec'd 4-22-66 180,427

180427

JOSEPH J. KOLLMER, JR.
Print or Type name of Claimant
3000 McKean Ave., Phila., Pa.
Address

v.

THE BUDD COMPANY
Employer 25th & Hunting Park Ave.
Phila., Pa.
Address

Claim Petition No. _____

_____ 19____

Insurance Carrier

Address

Occupational Disease Fund

TO THE WORKMEN'S COMPENSATION BOARD, COMMONWEALTH OF PENNSYLVANIA:

The claimant respectfully represents:

1. My name is JOSEPH J. KOLLMER, JR.

2. I became totally disabled as the result of {Silicosis / ~~Anthraco-silicosis~~ / ~~Asbestosis~~} on in Oct. 1956 but I first learned of the true cause of my disablement on 3/23/66.
of March 19 66.

3. My total disability is result of employment in a hazardous occupation having a {Silica / ~~Anthraco-silica~~ / ~~Asbestos~~} hazard, and I have been so employed in the Commonwealth of Pennsylvania at least two years in the aggregate during the ten years next preceding the date of disability as follows:

Name of Employer in Pennsylvania	Address	Dates of Employment From	To
THE BUDD COMPANY	25th & Hunting Park Ave., Phila., Pa.	1926	1956

4. The above named defendant was my employer when I was last exposed to a {Silica / ~~Anthraco-silica~~ / ~~Asbestos~~} hazard and I was in the defendant's employ from 1926 to 1956

5. Since the date of leaving the defendant's employment, I have been employed as follows: NONE

6. I served notice of my disability on the above named defendant on 18th day of April 19 66 in the following way: by my attorneys' letter.

7. Before my disability began I earned $ 125.00 per week as a welder.
(here state nature of work done)

(See Reverse Side)

CONFIDENTIAL-SUBECT TO PROTECTIVE ORDER

Since 1956 I have received medical services at my own expense as follows: Dr. James McLaughlin, Dr. Walter V. Mattucci, Chestnut Hill Hospital, Dr. Leonard Girsh, and Temple Hospital.

8. I { did } receive medical, [redacted] services as follows: Dr. Charles R. Shuman each year for medical examination, as instructed by The Budd Company.
(State name of doctors or hospitals)

9. I { did } request the defendant to furnish such services; and they { were not } furnished by the defendant.

10. If medical, surgical, dental or hospital services were procured at your own expense state what sum was spent by you for each In excess of $20,000.00.

11. My social security number is: 164-09-0151

12. I believe the following additional facts to be important: In 1956 employer diagnosed claimant's condition as bronchial asthma and put claimant on permanent disability pension. As a result of a recent hospitalization in March, 1966, I learned that my ailment is and has been silicosis.

Wherefore I ask that your Honorable Board shall make an award for such compensation as may be due me under the Occupational Disease Compensation Act.

Name

5000 McKean Ave.
Phila., Pa. 19144
Address

Subscribed and sworn to before me, this 19th day of April 1966
at Phila., Penna.

(This affidavit may be sworn to before a Compensation Referee or any other person authorized to administer an oath).

My Commission Expires on _____ day of _____ 19____.

Notary Public, Philadelphia, Philadelphia County
My Commission Expires June 9, 1969

NOTICE: This petition may be signed and sworn to by any dependent for himself and all other dependents.

Please enter my appearance for petitioner

Leonard M. Sagot, Esq.
Attorney
710 Two Penn Center Plaza
Phila., Penna. 19102
Address

NOTICE: This petition should be filed in original and five exact copies either typed or printed. The party taking oath is requested to type or print full name and complete address of Petitioner signing this petition. It is necessary to make affidavit to only the original copy of the petition.

CONFIDENTIAL-SUBECT TO PROTECTIVE ORDER