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BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS
STATE OF WASHINGTON

In re JOHN B. GRONENTHAL, DEC'D. }
Claim No. C-753051 }

DOCKET NO. 15,975
DECISION AND ORDER

APPEARANCES:

Petitioner, Lilly Nancy Gronenthal, by
Frederickson, Maxey & Bell, per
Leo H. Fredrickson

Employers:

Vermiculite Contractors, Inc. by
Bayley, Fite, Westberg & Midden, per
Alfred J. Westberg

Fibreglas Engineering Co., by
Joseph J. Stangle and George Young

E. G. Bartells, by
H. A. Johnson and E. W. Eller, Contract Manager

V. S. Jenkins,
None

Charles R. Brower Co.,
None

Curtis Insulating Co.,
None

Associated Asbestos & Cork,
None

Insulation, Inc.,
None

Armstrong Contractors & Supply Co.,
None

Tacoma Asbestos,
None

Department of Labor and Industries, by
The Attorney General, per
Marcus M. Kelly, Assistant

Appeal filed by the petitioner, Lilly Nancy Gronenthal,
widow of the deceased workman, John B. Gronenthal, on July 7,
1961, from an order of the supervisor of industrial insurance
dated June 7, 1961, denying the petitioner's claim for a widow's
pension on the ground that the decedent's death was due to

alvcolar cell carcinoma, a condition which was alleged to be unrelated to his occupation. Reversed and remanded.

DECISION

The deceased workman, John B. Gronenthal, died on January 12, 1961. The issue presented by this appeal is whether the deceased workman developed an occupational disease as a proximate result of his exposure to various commercial insulation materials in the course of his employment in this state from 1942 to 1960 as an insulation installer for one or more of the various employers for whom he worked during that period, Simpson Logging Company v. Department of Labor and Industries, 32 Wn. (2d) 472 and Favor v. Department of Labor and Industries, 53 Wn. (2d) 698; and if so, whether that disease was a materially contributing factor to his death, Towne v. Department of Labor and Industries, 51 Wn (2d) 644; in the sense that death would not have occurred when it did without such disease, Petersen v. Department of Labor and Industries, 40 Wn. (2d) 635, and that he otherwise would have lived for an indefinite and unpredictable time. Mork, v. Department of Labor and Industries, 48 Wn. (2d) 74.

This issue must be decided by the board "upon the evidence rather than upon the information or experience of "its members." Kaiser Aluminum and Chemical Corporation v. Department of Labor and Industries, 45 Wn. (2d) 745.

It is clear from the record that from 1942 to 1960, Mr. Gronenthal, while working, was exposed to a variety of commercial mineral insulating materials. Spectrographic analysis of these materials establishes that the major constituent of most of them was "silica or a silicate compound." It is uncontroverted on the record that he developed a condition called asbestosis, otherwise described as "interstitial fibrosis, diffuse, as a result of having breathed into the lungs these insulating materials which contain silicates and/or silica, large amounts of it, which can be asbestos and other commercial products." An autopsy report, introduced into the record as an exhibit, establishes (a) that Mr. Gronenthal died as a result of having developed a condition called cor

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pulmonale, which is described as "an enlargement of the right side of the heart due to resistance of the blood flow through the lungs," and (b) that microscopic examination of the decedent's lung tissue revealed "diffuse bilateral alveolar carcinoma of the lungs (pulmonary adenomatosis)."

The real problem presented by this appeal, therefore, is to determine what caused the cor pulmonale condition to develop in the deceased workman's heart. After a careful review of the record before us, we are persuaded that more likely than not, the "asbestos" particles in Mr. Gronenthal's lung tissue were carcinogenic agents which materially contributed to the development of the pulmonary adenomatosis, and that his combined pulmonary condition thus created caused the cor pulmonale resulting in his death on January 12, 1961.

FINDINGS

1. On January 25, 1961, the department of labor and industries received a claim for a widow's pension from Lilly Nancy Gronenthal, surviving spouse of John B. Gronenthal. On June 7, 1961, the supervisor of industrial insurance issued an order rejecting the widow's claim for benefits under the workmen's compensation act. On July 7, 1961, the petitioner filed notice of appeal with this board, and on August 3, 1961, her appeal was granted.
2. From June, 1942, to July, 1960, except for the period from September, 1946, to September, 1948, the decedent was regularly employed as an insulation mechanic for several firms engaged in extrahazardous employment in the state of Washington. During his employment as an insulation mechanic the decedent worked with various types of industrial insulating materials, predominantly asbestos products and products made of glass and extruded glass, which fundamentally are silicas and/or silicates. These products are manufactured in various shapes and forms, including solid and flexible forms, and their installation requires that they be cut, shaped, pounded, drilled, and worked on with a variety of tools. During the process of installing or applying the insulating materials, dust composed of particles of insulating materials is present in greater or lesser quantities. The extent to which the decedent's lungs were exposed to such dust was dependent upon several factors, including the type and form of material, the size and weight of the particles of dust, the extent of

1 ventilation, the temperature, the degree of
2 physical exertion expended by the workman,
3 and the position of the materials being in-
4 stalled with relation to the workman.

- 5 3. As a result of his exposure to dust occasioned
6 by the use of these various industrial insula-
7 ting materials, Mr. Gronenthal developed a
8 pulmonary condition called "asbestosis," other-
9 wise described as diffuse interstitial fibrosis.
10 The "asbestos," particles (silicas and/or
11 silicates) in the decedent's lung tissue acted
12 as carcinogenic agents which materially con-
13 tributed to the development of alveolar cell
14 carcinoma of the lungs (pulmonary adenomatosis),
15 and the combined pulmonary disease resulting
16 therefrom caused a condition described as cor
17 pulmonale as a result of which Mr. Gronenthal
18 died on January 12, 1961.

19 CONCLUSIONS

20 Based on the foregoing findings of fact, the board concludes:

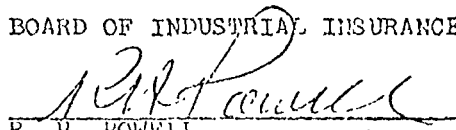
- 21 1. This board has jurisdiction of the parties
22 and subject matter of this appeal.
23 2. The order of the supervisor of the super-
24 visor of industrial insurance issued herein
25 on June 7, 1961, should be reversed and this
26 claim remanded to the department with in-
27 structions to allow the petitioner's claim for
28 widow's benefits under the workmen's compensa-
29 tion act and to take such further action as may be
30 authorized or required by law.

31 ORDER

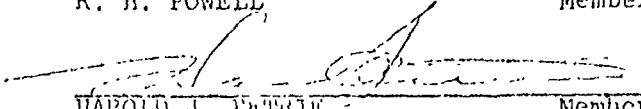
32 Now, therefore, it is hereby ORDERED that the order of the
33 supervisor of industrial insurance issued herein on June 7, 1961,
34 be, and the same is hereby, reversed and this claim remanded to
35 the department with instructions to allow the petitioner's claim
36 for widow's benefits under the workmen's compensation act and to
37 take such further action as may be authorized or required by law.

38 Dated this 30th day of November, 1962.

39 BOARD OF INDUSTRIAL INSURANCE APPEALS

40 
41 R. H. POWELL

Member

42 
43 HAROLD J. PETRIE

Member

Lilly Nancy Gronethal
E. 1116 Fifth Ave.
Spokane, Washington

Fredrickson, Maxey and Bell, Attys.
206-209 Rookery Bldg
Spokane, Washington

STATE OF WASHINGTON
OLYMPIA

John J. Quine, Chief of Staff
210 Norton Bldg.
Seattle, Washington

December 22, 1961

Notice of Cancellation

Marcus Kelly, Asst. Atty. Gen'l
114 Columbia Bldg.
Spokane, Washington

Re: JOHN B. GRONENTIAL, DEC'D
CLAIM NO: C-753051
DOCKET NO: 15,975

James P. Mahoney, Examiner
Board of Ind. Ins. Appeals
4th Floor, 1601 Second Ave. Bldg.
Seattle, Washington

This is to advise you that we are cancelling
the hearing scheduled in the above claim for Friday,
January 5, 1962 at Spokane
at the request of the Board
for the reason that

Yours very truly,

BOARD OF INDUSTRIAL INSURANCE APPEALS

RUBY K. KERNS, Secretary

eh

V. S. Jenkins
1955 First Ave. S.
Seattle, Washington

Charles R. Brower Co.
114 Virginia St.
Seattle, Washington

Curtis Insulating Co.
N. 713 Cook
Spokane, Washington

Fiberglass Eng. Co.
Santa Clara, Calif
P.O. Box 89

E. J. Bartells Co.
1212 6th Ave. S.
Seattle, Washington

Vermiculite Co.
2107 N. 34th St.
Seattle, Washington

Associated Asbestos & Cork
4401 23rd Ave. W.
Seattle, Washington

Insulation Inc.
P.O. Box 1802
Spokane, Washington

Armstrong Cont. & Supply Co.
120 N. Lime St.
Lancaster, Penn.

Tacoma Asbestos
351 S. 25th
Tacoma, Washington

BOARD OF INDUSTRIAL INJUNCTION APPEALS

STATE OF WASHINGTON

In re JOHN B. GRENENTHAL, Decedent, Cancellation

ROCKET NO. 15,937

Claim No. C-733051

NOTICE OF APPEARANCE

FILED FOR 11, 1975

JOHN B. GRENENTHAL, Decedent

John B. Grenenthal, deceased workman; Lilly Nancy Grenenthal, surviving widow, and Fredrickson, Mawey and Bell, her attorneys; V. W. Jenkins, Charles R. Brower Co., Curtis Insulating Co., Armstrong Cork, Fiberglass Ins. Co., E. J. Bartells Co., Vermiculite Co., Associated Asbestos & Cork, Insulation Inc., Armstrong Cork & Supply Co., Tacoma Asbestos, and to the Department of Labor and Industries, and John J. O'Connell, The Attorney General, and John J. Quinn, Chief of Staff, its attorneys.

YOU AND EACH OF YOU will please take notice that

VERMICULITE CO., whose correct name is VERMICULITE CONTRACTORS,

INC., a party to the above appeal, appears in this proceeding by

its undersigned attorneys of record herein and requests that service

of all notices, orders or other documents growing out of the above

proceeding, other than process, be made upon said attorneys at

their address below stated.

Notice is also given that VERMICULITE CONTRACTORS, INC.

will appear by A. J. Woodbury, of the undersigned attorneys.

Filed at Seattle, Washington, December 31, 1961.

VERMICULITE CONTRACTORS, INC.
1000 1st Avenue
SEATTLE, WASH. 98101
ATTORNEYS FOR VERMICULITE CONTRACTORS, INC.

By A. J. WOODBURY

CERTIFICATE OF SERVICE

VERMICULITE CONTRACTORS, INC.

1000 1st Avenue

SEATTLE, WASH. 98101

TO THE HONORABLE
THE SENATE
OF THE STATE OF OHIO
COLUMBUS, OHIO

THE SENATE

COMMITTEE ON

EDUCATION

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
ON MAY 1, 1968, THE FOLLOWING INFORMATION IS SUBMITTED:

THE OHIO STATE UNIVERSITY, COLUMBUS, OHIO, HAS
A TOTAL OF 1,200 FULL-TIME FACULTY MEMBERS.
OF THESE, 1,000 ARE IN THE COLLEGE OF ARTS AND
SCIENCES, 100 IN THE SCHOOL OF EDUCATION,
AND 100 IN THE SCHOOL OF BUSINESS.
THE UNIVERSITY HAS A TOTAL OF 15,000 STUDENTS.
OF THESE, 10,000 ARE IN THE COLLEGE OF ARTS AND
SCIENCES, 3,000 IN THE SCHOOL OF EDUCATION,
AND 2,000 IN THE SCHOOL OF BUSINESS.

THE UNIVERSITY HAS A TOTAL OF 1,200 FULL-TIME FACULTY MEMBERS.
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SCIENCES, 100 IN THE SCHOOL OF EDUCATION,
AND 100 IN THE SCHOOL OF BUSINESS.
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SCIENCES, 3,000 IN THE SCHOOL OF EDUCATION,
AND 2,000 IN THE SCHOOL OF BUSINESS.

RESPECTFULLY,
THE OHIO STATE UNIVERSITY

BY THE VICE CHANCELLOR

THE OHIO STATE UNIVERSITY
COLUMBUS, OHIO

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have this day served the foregoing Notice of Hearing upon the following parties of record in this proceeding by mailing a true copy thereof by United States mail, properly addressed with postage prepaid, to each of the following parties to the proceeding or his attorney or authorized agent as follows:

Lilly Mary Greenenthal
R. 1116 5th Ave.

Spokane, Washington

Appearing as surviving widow

Friedrichsen, Harry and Sell, Attys.

203-279 Broadway Bldg.

Spokane, Washington

Appearing as attys. for surviving widow

V. S. Jenkins

1913 1st Ave., S.

Seattle, Washington

Appearing as employer

Charles R. Sawyer Co.

114 Virginia St.

Seattle, Washington

Appearing as employer

Curtis Insulating Co.

R. 174 6th

Spokane, Washington

Appearing as employer

Armstrong Cork

401 1st and 1st St. Bldg.

Seattle, Washington

Appearing as employer

Fiberglass Eng. Co.

Box 100

Spokane, Washington

Appearing as employer

L. J. Farrell Co.

1012 1st St. S.

Spokane, Washington

Appearing as employer

Verolulita Co.

2107 N. 24th Street

Seattle, Washington

Appearing as employer

Associated Asbestos & Cork

4101 32nd Ave. W.

Seattle, Washington

Appearing as employer

Insulation Inc.

P.O. Box 1203

Spokane, Washington

Appearing as employer

Armstrong Cork & Supply Co.

120 N. 1st St.

Langston, Tenn.

Appearing as employer

Kerona Asbestos

523 N. 1st

Yreka, Washington

Appearing as employer

John J. Quinn, Chief of Base

225 1st St. Bldg.

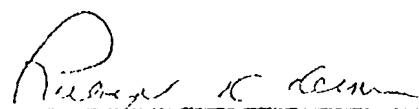
Seattle, Washington

Appearing as attorney for Base.

19th

December

DATED at Olympia, Washington, this ____ day of _____,
196__.



SECRETARY, BOARD OF
INDUSTRIAL INSURANCE APPEALS