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RECEIVED
NOV 13 1986
Corp., Risk Equal

November 13, 1986

Mr. Tony Colangelo
The Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, Ohio 44115-1075

RE: v. Contract Transportation/
Sherwin-Williams and INA/Aetna Insurance Co.
Claim No.
D/A: 12/06/85

REDACTED

Dear Tony:

REDACTED

The Full Board has affirmed the July 24, 1986 Award of Judge Speed. The Full Board's Award is dated November 10, 1986. As you know, I feared that the Board would make this decision since the doctor testified that the claimant's employment could have aggravated his condition. While you and I agree that Mr. [REDACTED] was destined to have a stroke at anytime, the State Board has become extremely liberal regarding "aggravation." Since any doctor would have to testify that strenuous work would aggravate such a condition, it is very easy for the Board to rule as it did in this case.

I would not recommend an appeal to the Superior Court. The Superior Courts in Georgia are bound by the "any evidence" rule. Under this rule, if there is any evidence at all to support the State Board's Award, then the Superior Court must affirm it. Since we have the claimant's testimony as well as Dr. MacNabb's testimony, the Superior Court would have to affirm the Award. Therefore, our only alternative is to begin payment of benefits pending a settlement agreement.

Under the Board Rules, payment under an Award must be received by the claimant's attorney on the twentieth (20th) day following the Award. Therefore, to be safe, the claimant's attorney should receive the checks by no later than November 19, 1986.

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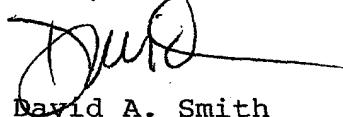
Mr. Tony Colangelo
RE: i
November 13, 1986
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If I can answer any questions or be of any assistance,
please do not hesitate to contact me.

Very truly yours,

DREW, ECKL & FARNHAM



David A. Smith

DAS:pmw

CC: Ms. Flo Ann Davis, INA File 130 C 459452-4

*I advised
Flo Ann Davis to
continue the appeal,
I also spoke with Davis' Boss
John Ferguson to continue appeal
R*

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