

FILE NAME: Insulators Workers' Comp Claims (IWC)

DATE: 1940

DOC#: IWC044

DOCUMENT DESCRIPTION: Claimant - Moore, Henry

Henry C. Moore v.
WESTERN ASBESTOS

They admit to receiving Asbestos as far back as 1930, in trial of Jarrett (Oakland state court, Feb. 1987).

Coworker testimony led to location of comp claim records for Henry C. Moore, who received a Findings and Award on claim 68064 in 1940 for asbestosis from WA. Moore's widow in Alaska will be deposed to authenticate her documentation, which was in effect accepted in the Jarrett case. Full documentation shows the award was for total disability.

There were also a number of other comp claims for asbestosis involving WA starting in 1956 with Swartout. A hopefully complete and correct list is in my affidavit of 7-1-86 (R and J Cuthbertson, Zini, Gilivich, Strickland, Goans, Harding, Greischar are the others).

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CLAIM NO. 68064

Mailed From San Francisco Office

HENRY C. MOORE,

Applicant,

SEP 25 1940

Industrial Accident Commission
State of California

vs.

FINDINGS AND AWARD

WESTERN ASBESTOS COMPANY, STATE
COMPENSATION INSURANCE FUND,
STANDARD ACCIDENT INSURANCE COMPANY,
GLOBE & DEMINITY COMPANY and PACIFIC
EMPLOYERS INSURANCE COMPANY,

Defendants.

Applicant's atty.: Frederick W. Kant
Defendant State Fund's atty.: E.J. Thomas, Jr.
Defendant Pac. Emp. Ins. Co.'s atty.: Frank
J. Conroy
Defendant Standard Accident Ins. Co. rep.:
J. A. Stuckey

An application for adjustment of claim for compensation having been filed herein, and all parties having appeared, or having been duly served with process, and the matter having been heard before Eldon B. Spofford and Am. J. Cullinan, Referees, and submitted for decision, this Commission now makes its Findings and Award as follows:

FINDINGS OF FACT

1. During the years beginning January 1925 to and including March 13, 1940, applicant, Henry C. Moore, while employed as a warehouseman at San Francisco, California, by Western Asbestos Company, sustained injury arising out of and in the course of said employment in the nature of an occupational disease, to-wit, Asbestosis. During aforesaid time, applicant worked for said Western Asbestos Company a total of 176½ months. The insurance carrier for said Western Asbestos Company from January 1925 to November 1, 1925,

1 during which applicant worked four months, was Standard Accident
2 Insurance Company. From November 1, 1925 to November 1, 1932, dur-
3 ing which applicant worked 84 months, the insurance carrier for said
4 Western Asbestos Company was Pacific Employers Insurance Company;
5 from November 1, 1932 to March 13, 1940, during which applicant worked
6 88½ months, the insurance carrier for said Western Asbestos Company
7 was State Compensation Insurance Fund. During all of said times said
8 parties were subject to the provisions of the Workmen's Compensation,
9 Insurance and Safety Laws of the State of California.

11 2. In accordance with the foregoing figures as
12 set forth in Findings No. 1 herein, the Standard Accident Insurance
13 Company is liable for 2.26%, the Pacific Employers Insurance Company
14 is liable for 47.60%, the State Compensation Insurance Fund is liable
15 for 50.14% of the compensation benefits due applicant herein.

17 3. Said injury (occupational disease of asbes-
18 tosis) caused applicant total temporary disability from March 13, 1940,
19 to and including July 12, 1940, entitling him to \$24.70 a week during
20 said time, exclusive of the waiting period of seven days, proportioned
21 among aforesaid insurance companies in accordance with the percentages
22 heretofore stated as follows: .56 cents a week payable by Standard
23 Accident Insurance Company; \$11.76 payable by Pacific Employers In-
24 surance Company; \$12.38 payable by State Compensation Insurance Fund.
25 Amount accrued and due applicant from aforesaid insurance companies
26 as of July 12, 1940 is: Standard Accident Insurance Company \$9.12;
27 Pacific Employers Insurance Company \$191.52; State Compensation
28 Insurance Fund \$201.62. The foregoing weekly benefit is based upon
29 wages of \$40.00 a week at the time of the injury.

30 4. The aforesaid doredant insurance companies
are liable for the reasonable cost of medical treatment necessary to
cure and relieve applicant from the effects of his injury as follows:

1
2 Standard Accident Insurance Company is liable for 2.26% of said
3 medical expense; Pacific Employers Insurance Company is liable for
4 47.60% of said medical expense; State Compensation Insurance Fund is
5 liable for 50.14% of said medical expense. Supplemental award will
6 issue for the reasonable cost of said medical expense in the event
7 the parties are unable to adjust same without further proceedings.

8 5. For the purposes of the Statute of Limi-
9 tations, the date of injury is found herein as March 28, 1940. Appli-
10 cation for adjustment of claim was filed herein April 25, 1940, and
11 is not barred by Sections 5400 to 5500 inclusive of the Labor Code.

12 6. Applicant's attorney is entitled to a lien
13 against unpaid compensation for the reasonable value of his services
14 in the sum of \$40.00.

15 **A W A R D**
16 **AWARD IS MADE** in favor of Henry C. Moore against
17 Standard Accident Insurance Company of the sum of \$9.12 payable
18 forthwith.

19 **AWARD IS FURTHER MADE** in favor of Henry C. Moore
20 against Pacific Employers Insurance Company of the sum of \$191.52
21 payable forthwith.

22 **AWARD IS FURTHER MADE** in favor of Henry C. Moore
23 against State Compensation Insurance Fund of the sum of \$201.62, pay-
24 able forthwith, less however \$40.00 payable to Frederick W. Kant, as
25 his attorney's fee.

26 **IT IS ORDERED** that Western Asbestos Company, the
27 employer herein, is discharged from liability.

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