FILE NAME: Johns-Manville (JMA)

DATE: 1965

DOC#: JMA145

DOCUMENT DESCRIPTION: Contract Unit Claims File; Melvin Hunt

WORKERS' COMPENSATION APPEALS BOARD - CALIFORNIA
(INDUSTRIAL ACCIDENT COMMISSION, prior to 1966)

APPLICANT **MELVIN HUNT** CASE # LB 29228

Asbestos Insulator

DATE CLAIM FILED Feb. 11, 1965

INJURY ALLEGED Injury to respiratory system

ALLEGED DATE OF INJURY 1940-Jan. 29, 1965

EMPLOYER/INSURER Western Asbestos Co. et. al.
including J-M Sales/Travelers

No apparent Canadian insurer

OTHER NOTES Pulmonary emphysema & fibrosis due to asbestos

DATE OF RESOLUTION Aug. 25, 1966

RESOLUTION Compromise & Release $15,135.08 settlement
apportioned among 12 carriers

DOCUMENTS COPIED		# OF PAGES
	1) Order Approving C & R	1
	2) Minutes of Hearing (showing defendants)	7

CLAIMANT Melvin L. Hunt 21

California Workers' Compensation Appeals Board

CARRIERS INVOLVED:

●The AETNA Casualty & Surety Co.
oAmerican Automobile Ins. Co.
oAmerican Employers Ins. Co.
●American Motorists Ins. Co.
●Argonaut Ins. Co.
oAssociated Indemnity Corp.
oCalifornia Casualty Indemnity Exchange
oCalifornia Compensation & Fire Co.
oCasualty Ins. Co. of California
oEmployers Liability Assurance Corp.Ltd.
●Employers Mutual Liability Ins. Co. of Wisconsin
oFidelity & Casualty Co. of New York
●Fireman's Fund Ins. Co.
oGeneral Accident, Fire & Life Assurance Corp. Ltd.
oGlobe Indemnity Co.
oGuarantee Insurance Co.
oGreat American Ins. Co.
●Hardware Mutual Casualty Co. (Sentry Ins. Co.)
●Industrial Indemnity Co.
oIndustrial Indemnity Exchange
oInsurance Co. of North America
●Liberty Mutual Ins. Co.
oLumberman's Mutual Casualty Co.
oMaryland Casualty Co.
oMichigan Mutual Liability Co.
oMission Insurance Co.
oNational Automobile & Casualty Ins. Co.
oNew Amsterdam Casualty Co.
oOcean Accident & Guarantee Corp.Ltd.
●Pacific Employers Ins. Co.
oPacific Indemnity Co.
●Reliance Ins. Co. (Standard Accident Ins. Co.)
oRoyal Indemnity
oSecurity Ins. Co. of Hartford (U.S. Casualty Ins. Co.)
●State Compensation Insurance Fund
oTransport Indemnity Co.
●The Travelers Ins. Co.
oThe United Pacific Ins. Co.
oU.S. Fidelity & Guaranty Co.
oZenith National Ins. Co.
●Zurich Ins. Co.
o_____
o_____
o_____
o_____
o_____

WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

MELVIN L. HUNT,

Applicant

vs.

WESTERN ASBESTOS COMPANY, et al, STATE COMPENSATION INSURANCE FUND, et al,

Defendant

CASE No. 65 LB 29228

C E R T I F I C A T I O N

I hereby certify that the attached documents are true and correct copies of the original documents filed in the records of this office in the above-entitled matter.

ATTEST my hand and the Seal of the Workers' Compensation Appeals Board of the State of California.

ALFRED C. WILLIAMS
Workers' Compensation Judge
Workers' Compensation Appeals Board

Dated at San Francisco, California, this 6th day of April, 1981

DIA WCAB FORM 115 (NEW 1-75)

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF INDUSTRIAL ACCIDENTS

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF INDUSTRIAL ACCIDENTS

WORKMEN'S COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

FILED
SEP 14 1966
DIVISION OF INDUSTRIAL ACCIDENTS
LONG BEACH OFFICE

MELVIN L. HUNT;

Applicant

vs.

WESTERN ASBESTOS COMPANY, et al

Defendants

CASE No. 65 LB 22228

Order Approving Compromise and Release
AND
ORDER DENYING LIEN CLAIM

GOOD CAUSE APPEARING THEREFOR: IT IS HEREBY ORDERED that the lien claim of the Department of Employment, be and it hereby is denied.

The parties to the above-entitled action having filed a Compromise and Release herein, on March 28, 1966 through August 29, 1966 settling this case for $15,135.08 in addition to all sums which may have been paid previously, and requesting that it be approved; and this Board having considered the entire record, including said Compromise and Release, now finds that it should be approved; and, pursuant to Notice of Intention, and,

GOOD CAUSE APPEARING THEREFOR: IT IS ORDERED that said Compromise and Release be, and it is hereby approved, and the proceeds paid as follows:

BY AETNA CASUALTY & SURETY COMPANY:		
TO: DR. JOSEPH F. BOYLE, lien claimant	$ 259.50	
SILVER & McWILLIAMS		
Lien for living expenses	$ 475.00	
As attorneys' fee	1,450.00	1,925.00
MELVIN L. HUNT, applicant		601.86
TO MELVIN HUNT, applicant	12,348.72	$ 2,786.36
BY AMERICAN MOTORISTS INSURANCE COMPANY		2,714.93
BY STATE COMPENSATION INSURANCE FUND		871.43
BY FIREMAN'S FUND INSURANCE COMPANY		451.63
BY HARDWARE MUTUAL INSURANCE COMPANY		190.30
BY PACIFIC EMPLOYERS INSURANCE COMPANY		1,866.56
BY THE TRAVELERS INSURANCE COMPANY		3,386.49
BY EMPLOYERS MUTUAL LIAB. INS. CO. OF WISCONSIN		556.84
BY ZURICH AMERICAN INSURANCE COMPANIES		194.26
BY RELIANCE INSURANCE COMPANY		25.00
BY INDUSTRIAL INDEMNITY COMPANY		745.50
BY ARGONAUT INSURANCE COMPANY		40.63
BY LIBERTY MUTUAL INSURANCE COMPANY		1,305.35
		$15,135.08

SERVED ON ALL PARTIES LISTED
ON THE OFFICIAL ADDRESS RECORD
Date: 9-14-66 By: Charles Graham

SEPTEMBER 14, 1966
MAILED AT LONG BEACH, CALIFORNIA

ARTHUR, WORKMEN'S COMPENSATION APPEALS BOARD

DIA WCAB FORM 65 (REV. 2-66)
(FORMERLY FORM 382)

BEFORE THE INDUSTRIAL ACCIDENT COMMISSION OF THE STATE OF CALIFORNIA

CASE NO. 65 LB 29228

MELVIN L. HUNT,

Applicant,

vs

WARREN AND BAILEY COMPANY;
HARDWARE MUTUAL CASUALTY COMPANY,
soon to be renamed SENTRY NATIONAL INSURANCE COMPANY

WESTERN ASBESTOS COMPANY;
STATE COMPENSATION INSURANCE FUND,

J. T. THORPE, INC.;
PACIFIC EMPLOYERS INSURANCE COMPANY;
AMERICAN MOTORISTS INSURANCE COMPANY,

PLANT RUBBER AND ASBESTOS;
UNKNOWN

UNITED CORK COMPANY;
LIBERTY MUTUAL INSURANCE COMPANY,
a corporation,

ARMSTRONG CORK COMPANY;
EMPLOYERS MUTUAL LIABILITY INSURANCE COMPANY OF WISCONSIN,
RELIANCE INSURANCE COMPANY, a successor in interest to STANDARD ACCIDENT INSURANCE COMPANY;
THE TRAVELERS INSURANCE COMPANY;
AETNA CASUALTY AND SURETY COMPANY,

FAR NORTHERN INSULATION;
UNKNOWN

METAL CLAD CORPORATION;
INDUSTRIAL INDEMNITY COMPANY,

UNITED REFRACTORY COMPANY;
UNKNOWN,

HUGH A. ELSDON COMPANY;
UNKNOWN,

JOHNS MANVILLE SALES CORPORATION;
THE TRAVELERS INSURANCE COMPANY,

OWENS CORNING FIBERGLAS;
SELF-INSURED,

THORPE INSULATION COMPANY;
FIREMANS FUND INSURANCE COMPANY,

MINUTES OF FURTHER HEARING
December 29, 1965

NO TESTIMONY HAS BEEN TAKEN ON THIS CASE . (12-29-65)

MUNDET CORK COMPANY;
AETNA CASUALTY AND SURETY COMPANY,

REESE INSULATION COMPANY,
INDUSTRIAL INDEMNITY COMPANY,

BALDWIN-EHRET COMPANY;
LIBERTY MUTUAL INSURANCE COMPANY,

FIBERGLAS ENGINEERING COMPANY;
AETNA CASUALTY AND SURETY COMPANY,

C. F. BRAUN AND COMPANY, a corporation;
AMERICAN MOTORISTS INSURANCE COMPANY,

THE E. J. BARTELLS COMPANY;
HARDWARE MUTUAL CASUALTY COMPANY, soon to be renamed SENTRY NATIONAL INSURANCE COMPANY,

MONROE FOOD MACHINERY INC.;
ARGONAUT INSURANCE COMPANY,

INDUSTRIAL FURNACES INC.;
FIREMANS FUND INSURANCE COMPANY,

PABCO INSULATION CORPORATION;
UNKNOWN,

INDUSTRIAL SERVICE AND ENGINEERING COMPANY OF CALIFORNIA;
LIBERTY MUTUAL INSURANCE COMPANY,

LOS ANGELES CORK COMPANY;
ZURICH INSURANCE COMPANY,

ARMSTRONG CONTRACTING AND SUPPLY CORPORATION;
EMPLOYERS MUTUAL LIABILITY INSURANCE COMPANY OF WISCONSIN;
RELIANCE INSURANCE COMPANY, a successor in interest to STANDARD ACCIDENT INSURANCE COMPANY;
THE TRAVELERS INSURANCE COMPANY;
AETNA CASUALTY AND SURETY COMPANY,

MARINE ENGINEERING AND SUPPLY COMPANY;
UNKNOWN,

RODERICK LYNCH, dba LYNCH ASBESTOS COMPANY;
UNKNOWN,

Defendants.

EXHIBIT:

Applicant's 1 Report of Dr. Boyle of October 18, 1965, together with x-ray report and laboratory studies, together with his statements.

THIS CAUSE came on for hearing at 9 a.m., December 29, 19 in Department 6 of the Industrial Accident Commission, Long Beach, California, before the Honorable RAYMOND LEAVER, Referee.

M. Sutton, Reporter

PRESENT:

Applicant
Silver and McWilliams by
Edwin Silver, attorneys for applicant

J. D. Henderson, representative for American Motorists Insurance Company

Franklin M. Kaye, attorney for State Compensation Insuran Fund

Stephen Schweitzer, representative for Firemans Fund Insurance Company

James Hummel, representative for Employers Mutual Liabili Insurance Company of Wisconsin

Joseph J. Gleason for Weingand, Kendig and Stockwell, attorneys for Liberty Mutual Insurance Company, Aetna Casualty and Surety Company, and Owens Corning Fiberglas, self-insured

James C. Thomason for Roberts and Thomason, attorneys for Pacific Employers Insurance Company

Allan Schummer for Clopton and Penny, attorneys for The Travelers Insurance Company, Industrial Indemnity Company and Reliance Insurance Company, a successor in interest to Standard Accident Insurance Company

James J. Wood, attorney for Argonaut Insurance Company

Jack Sisk for Herlihy and Herlihy, attorneys for The Travelers Insurance Company, and Johns Manville Sales Corporation

LET THE RECORD FURTHER SHOW that Robert Maholchic, representative for Zurich Insurance Company, telephoned the Referee and advised that his car broke down and he might not be able to make the hearing.

LET THE RECORD FURTHER SHOW that Kean St. Charles telepho the Referee and advised that flood conditions prevented h appearance. He advised that he represented Hardware Mutu Casualty Company, which was soon to be renamed Sentry National Insurance Company.

LET THE RECORD FURTHER SHOW that Melvin L. Hunt, who claims to have been born on October 25, 1899, claims to have been employed by various employers in California, an

in Alaska pursuant to a contract of employment entered into in State of California, from 1940 through January 29, 1965, during time he claims to have sustained an injury to his respiratory system arising out of and occurring in the course of his employ

ISSUES:

1. Employment, except as admitted
2. Age
3. Occupation
4. Injury
5. Insurance coverage, except as admitted
6. Need for medical treatment
7. Liability for self-procured medical treatment
8. Medical-legal costs
9. Earnings, except as admitted
10. Nature, extent and duration of disability
11. Apportionment
12. Lien claim of the Department of Employment
13. Statute of Limitations
14. Prejudice by lack of notice
15. Jurisdiction

THE FOLLOWING ADMISSIONS ARE MADE:

1. American Motorists Insurance Company admits insuran coverage for J. T. Thorpe, Inc., from July 6, 1956 through July 1964. Said carrier further admits employment and earnings as se forth in the letter of August 9, 1965, from the Department of Health, Education, and Welfare.

2. American Motorists Insurance Company admits insuranc coverage for C. F. Braun and Company for the year 1954, and furth admits employment and earnings as set forth in the letter of Augu 9, 1965, from the Department of Health, Education, and Welfare.

3. State Compensation Insurance Fund admits coverage fo Western Asbestos Company for the hears 1941, 1942, 1943, and 1953

4. Firemans Fund Insurance Company admits coverage for Thorpe Insulation Company, and employment for said company for th following periods: March 4, 1957 through April 5, 1957
January 28, 1958 through January 31, 1958
October 25, 1962 through December 5, 1962
March 5, 1963 through March 29, 1963

Said carrier further admits earnings during the aforementioned

periods in the total amount of $2,783.95.

5. Firemans Fund Insurance Company admits coverage fo Industrial Furnaces, Inc., for the year 1959.

6. Employers Mutual Liability Insurance Company of Wisconsin admits insurance coverage for Armstrong Cork Company, a corporation, for the period January 1, 1944 to January 1, 195

7. Liberty Mutual Insurance Company admits insurance for Baldwin-Ehret for the third quarter of 1964, and further adm employment and earnings for the third quarter of 1964, as reflec in the August 9, 1965, letter from the Department of Health, Education, and Welfare.

8. Liberty Mutual Insurance Company admits insurance coverage for Industrial Service and Engineering Company of California, during the first quarter of the year 1963, and furth admits employment and earnings as reflected in the aforementione letter. (August 9, 1965 ltr. of Dept. of Health, Education & Welf.

9. Aetna Casualty and Surety Company admits insurance coverage for Mundet Cork Company for the last quarter of the yea 1957, and further admits earnings and employment as reflected in the aforementioned letter.

10. Pacific Employers Insurance Company admits coverage for J.T. Thorpe, Inc., for the period September 30, 1944 through September 30, 1955, except for the period January 1, 1952 through January 1, 1953. Said carrier further admits employment and earni during the period of coverage as reflected in the aforementioned letter of August 9, 1965.

11. The Travelers Insurance Company (through Mr. Schumme admits coverage for Armstrong Cork Company for the period January 1952 through January 1, 1954. Said carrier further admits employ for the quarter ending March 31, 1952, through the quarter ending

March 31, 1953, as reflected in the aforementioned letter of August 9, 1965. Said carrier further admits earnings as reflected during these periods in the aforementioned letter.

12. The Travelers Insurance Company (through Allan Schumm admits coverage for Armstrong Contracting and Supply for the perio January 1, 1959, through January 1, 1963.

13. Industrial Indemnity Company admits coverage for Metal Clad for the Period September 27, 1949 through March 31, 1954. Said carrier further admits employment and earnings in 1952 and 1953 as reflected in the aforementioned letter of August 9, 19

14. Industrial Indemnity Company admits coverage for Reece Insulation for the period October 1, 1957 through October 1, 1, 1958, and also admits employment and earnings as set forth in t aforementioned letter of August 9, 1965.

15. Argonaut Insurance Company admits coverage for Monroe Food Machinery, Inc., for the period July 29, 1959, through August 4, 1959, and admits employment for the same period, and earnings as reflected in the aforementioned letter of August 9, 1965.

16. The Travelers Insurance Company (through Jack Sisk) a admits subject to withdrawal, coverage for Johns Manville Sales Corporation, for the period January 1, 1957 to July 1, 1957, and further admits employment and earnings for the quarter ending March 31, 1957, as reflected in the aforementioned letter of Augus 9, 1965.

17. Zurich Insurance Company (through Mr. Maholchic in a telephone conversation with the Referee) admits coverage for Los Angeles Cork Company, for the period October 27, 1962, to November 6, 1963, and further admits employment for the payroll period ending July 24, 1963, through the payroll period ending

September 11, 1963. Said carrier admits total earnings during sai period of $1,281.20 in addition to bonus paid or overtime pay in the amount of $106.40. Said carrier admits earnings as follows fc the following payroll periods:

July 24, 1963	$160.32
July 31, 1963	200.40
August 14, 1963	167.36
August 21, 1963	209.20
August 28, 1963	209.20
September 4, 1963	146.44
September 11, 1963	188.28

18. Hardware Mutual Casualty Company, soon to be renamed Sentry National Insurance Company, (through Kean St. Charles in a telephone conversation with the Referee) admits coverage for E.J. Bartells Company for the period October 1, 1953 to October 1, 1954, and further admits earnings of $1,359.28 for the quarter ending September 30, 1954.

19. The above carrier also admits coverage only for Warren and Bailey Company for the period September 1, 1952 to September 1, 1953.

DISPOSITION:

Continued on notice for full day hearing.