FILE NAME: Mundet Cork (MCK)

DATE: 1978

DOC#: MCK105

DOCUMENT DESCRIPTION: WC Claim of Swartout, Pt. 1

FOR NORTHERN CALIFORNIA
INDUSTRIAL ACCIDENT COMMISSION
525 Market Street
San Francisco 3

FOR SACRAMENTO COUNTY ONLY
Room 200, 801 J Street
Sacramento

FOR SOUTHERN CALIFORNIA
Alameda and Orange Counties
801 South Grand Avenue
Los Angeles 14

FOR SAN DIEGO COUNTY ONLY
1821 Fourth Avenue
San Diego 1

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
INDUSTRIAL ACCIDENT COMMISSION

24

DO NOT WRITE IN THIS SPACE

FILED
DEC 30 1955

ENTERED IN DOCKET
DEC 30 1955

APPLICATION FOR HEARING

55 SF
Case No. 169-171

Employer's Name John E. Swartout

Employer's Address 3000 Marywood Drive (3611 County Jay)
Sacramento 17 California
STREET AND NUMBER — TOWN OR CITY — ZONE — STATE

Social Security No. 472 - 10 - 9895

Name of Employer Vanirus

Employer's Address California companies
STREET AND NUMBER — TOWN OR CITY — ZONE — STATE

Name of Insurance Carrier See attached list

Insurance Carrier's Address
STREET AND NUMBER — CITY — ZONE — STATE

Employee's name John E. Swartout

Employee's date of birth September 5, 1889

Date of your injury Exposure over a long period of time ?

Employer's occupation at time of injury ASBESTOS Insulation

Place where injury occurred California
CITY AND STATE

When did you leave work as a result of this injury January 6, 1955

How did injury occur? Working with asbestos

What part or parts of your body were injured Asbestosis

When did you return to work Still off

Full or part time work and at what wage

Your wages or salary (before deductions) $ ____ per hour or $ 3.15 per week or $ ____ per month.

If paid on hourly rate, how many hours did you work per week 40 hour week, plus overtime sometimes

Did you receive any of the following: Board? Yes ☒ No ☐; Lodging? Yes ☐ No ☐; Tips? Yes ☐ No ☒; Other advantage? Yes ☐ No ☐ (Only on some jobs)
State their weekly value $ ____

Have you been paid any compensation? Yes ☒ No ☐ How much $ 910.00 per accident Weekly rate of payments $ 35.00

Date when last payment was made Up to Sept. 13, 19 55

Has the employer or the insurance carrier furnished you with any medical treatment? Yes ☐ No ☒

Date when last treatment was given Sept. 16, 19 55

List names of all doctors who have treated you and who were furnished by the employer or insurance carrier

Have you obtained any medical treatment at your own expense? Yes ☒ No ☐

List names of all doctors who have treated you at your own expense Dr. Fortier with Clinic at Springvale Hospital; Dr. Webster, Sacramento Hospital; Dr. Allan Moe, Santa

Are you claiming any of the following benefits (Answer Yes or No):

(a) Temporary disability payment Yes (b) Permanent disability payment Yes

(c) Further medical treatment Yes (d) Cost of your medical expense Yes

(e) List other benefits claimed and not mentioned above

Have you ever before filed a claim with this Commission? Yes ☐ No ☐ If so, when was it filed
DATE

SMITH & PARRISH
ATTORNEYS FOR APPLICANT OR APPLICANT

1616 Financial Center Bldg.
Oakland, California

GLENCOURT 2-2000
TELEPHONE NUMBER

John E Swartout
SIGNATURE OF APPLICANT

Date 12/28, 19 55

NOTE—PLEADING: After this application has been filed with the Industrial Accident Commission the matter will be notified in writing of the time and place of hearing. Either party may be represented in person, by attorney, or other agent.

ANSWER: The defendant is required to file an answer within 10 days after service of a copy of this application, using the form furnished for that purpose. If a defendant employer is insured and the insurance carrier is properly named in the application, an answer need be filed by the employer, or that will be done by the carrier; but if the insurance carrier is not named, then the employer should notify the carrier immediately on the proof of service sent to him.

DATE OF SERVICE 6/22/56

SERVICE ON Atl Electric & Div of Labor - NE.

PLAINTIFF EXHIBIT

CCS 5143

CASE -- John E. Swartout, Asbestos Worker
Sickness -- Asbestosis

Asbestos Companies for whome he Worked.

1905 to 1939 -- Companies in Minnesota and 1 year in New Mexico -- these are in office files of John L. Lewis.

			Job location
1940	S. F. Dutton Co. 4 months (July, Aug., Sept., Oct.)		S.F.
	Western Asbestos Co. - Nov. and Dec.		S.F.
1941 to Nov., 1947	Western Asbestos Company, S.F.		
1948	(Away from this work for 6 mos.)		
1948	Bay Cities Asbestos Co., Oakland	Approx. 3 mos.	Stockton, Calif.
	Western Fiberglass Supply, S.F.	2 "	" and Watsonville
	General Insulation Co., S.F.	1 mo.	Fresno
1949	General Insulation Co.	2 mos.	Stockton(Boys Sc
	Armstrong Cork Co.	2 "	Stockton(creamer
	Western Asbestos Co.	1 mo.	Livermore (Hosp.
	J.T. Thorpe & Son, Inc.	1 "	Watsonville
	The Asbestos & Magnesia Materials Co. Chicago	1 "	Casper, Wyo. -
	Asbestos Supply Co. of Seattle	5 mos.	Fairbanks, Alaska
1950	C. C. Moore & Co., S.F.	2 mos.	Carlsbad, N.Mex.-
	M. R. Carpenter, Sacto.	7 "	Sacto.
	Phillip Carey Mfg.Co., Cincinnuti	1½ "	Pittsburgh, Pa.
	Armstrong Cork Co. of Lancaster, Pa.	1½ "	" "
1951	Armstrong Cork Co.	6 mos.	Anchorage, Alaska
	Tacoma Asbestos Co. of Tacoma	2 "	" "
	Jamar-Olmen Co. of Chicago	4 "	Terre Haute, Ind.
1952	Jamar-Olmen Co. of Chicago	9 "	" "
	Johns-Manville	3 "	Trenton, N. J.
1953	Phillip Carey Mfg. Co.	2 "	Huntington, W.Va.
	Insulation Services of Minn.(St.Paul)	9 "	Terre Haute, Ind.
	Johns-Manville Sales Corp.	1 mo.	Indianapolis, Ind.
1954	Insulation Services of Minn.	4 mos.	Terre Haute --
	Hunter Mfg. Corp. of Bristol, Pa.	2 "	Tuscon, Ariz.
	Armstrong Cork Co. of Lancaster, Pa.	1 mo.	Spokane, Wash.
	M. R. Carpenter, Sacto.	2 mos.	Sacto.
	Western Asbestos Co. of S.F.	3 "	Porterville, Cal.
1955	Armstrong Cork Co. - In January of 1955 but became ill Jan. 10th and left job. Went into hospital Jan. 17th.		

(Travelers)

COMMISSION OFFICES
FOR NORTHERN CALIFORNIA (EXCEPT SACRAMENTO COUNTY) 965 Mission Street San Francisco 3
FOR SACRAMENTO COUNTY ONLY Room 200, 821 J Street Sacramento
FOR SOUTHERN CALIFORNIA (EXCEPT SAN DIEGO COUNTY) 801 State Building Los Angeles 12
FOR SAN DIEGO COUNTY ONLY 1024 Fourth Avenue San Diego 1

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
INDUSTRIAL ACCIDENT COMMISSION

DO NOT WRITE THIS SPACE

FILED
JUN 13 1956

ENTERED IN DOCKET
BY

RECEIVED
JUN 13 1956
DIVISION OF INDUSTRIAL ACCIDENTS

APPLICATION FOR HEARING
DEATH CLAIM

Case No. 169-171

Name of Applicant: Mrs. JOHN E. SWARTOUT

Address of Applicant: 3000 Merrywood Drive, Sacramento 21, California

Name of Employer: Listed on separate sheet as filed December 28, 1955.

Address of Employer:

Name of Insurance Carrier: See attached list as per December 28, 1955.

Address of Insurance Carrier:

Name of Deceased Employee: John E. Swartout

Date of Employee's Birth: September 5, 1889

Date of employee's injury:

Date of employee's death: May 30, 1956

Employee's occupation: Asbestos worker

Place where injury occurred: Various jobs

What work was employee doing at time of injury? Asbestos insulation work

Was any medical or hospital expense involved? Yes ☒ No ☐ Amount paid $

Who paid it?

Was any compensation paid to the employee after his injury? Yes ☐ No ☒ If so, how much $

List names of all doctors who treated the employee after his injury. Dr. W.B. Parkinson, Portersville, Cal. Clinic of doctors (Specialists on lungs) at Springville, Calif. Dr. C. Webster Dr. Robert Harris, Dr. Allan Mos

Who paid it?

Has burial expense been paid? Yes ☐ No ☒ If so, how much $

List all those who claim to have been dependents of the employee at time of injury

NAME	AGE (IF UNDER 21)	RELATIONSHIP TO THE EMPLOYEE	ADDRESS
Mrs. John E. Swartout		Wife	3000 Merrywood Drive Sacramento 21, Calif.

IMPORTANT—If any applicant is under 21 years of age, it will be necessary to file Petition for Appointment of Guardian ad Litem. Forms for this purpose may be obtained at the offices of the Industrial Accident Commission.

Reason for filing this application:

SMITH & PARRISH
REPRESENTATIVE TO APPEAR BY FOR APPLICANTS
Attorneys at Law
501 Financial Center Bldg.
Oakland, California
GLencourt 2-2000
TELEPHONE NUMBER

x Mrs. John E. Swartout

SIGNATURE OF APPLICANT

Date June 13, 19

NOTE—STRIKING: After this application has been filed with the Industrial Accident Commission the person will be notified in writing of the time and place of hearing. Either party represented by attorney, or other agent.

ANSWER: The defendant is required to file an answer within 10 days after service of a copy of this application, using the form furnished for that purpose. If a defendant employer and the insurance carrier is properly named in the application, an answer need be filed by the employer, in that event will be done by the carrier; but if the insurance carrier is not named employer should notify the carrier immediately so the proper carrier can be filed.

DATE OF SERVICE: 6/22/56.

SERVICE ON: Al Pontius NE.

PLAINTIFF'S EXHIBIT

KN-3

State of California

INDUSTRIAL ACCIDENT COMMISSION

965 Mission Street San Francisco

(Mrs.)
JOHN E. SWARTOUT,

Applicant

vs

MUNDET CORK CORPORATION, et al,

Defendant

Claim No. 55SF 169-171

NOTICE OF HEARING
OF APPLICATION
FOR ADJUSTMENT
OF CLAIM

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF INDUSTRIAL ACCIDENTS
FILED
JUN 22 1956
By

You are hereby notified that an application to adjust a claim for compensation (a copy of which is attached hereto) has been filed with the Industrial Accident Commission of the State of California. You are further notified that said application has been set for hearing at

Room 206, 1531 Webster Street
Oakland
August 15, 1956
9:00 a.m.
All Morning
All issues

and that at said time and place the Industrial Accident Commission of the State of California will proceed to hear and dispose of the said application in the manner prescribed by law.

Note: The parties are expected to submit all issues in controversy for decision at this hearing; therefore, all necessary witnesses, evidence, documents, medical reports, payrolls, and other essential proof must be available and ready for submission at the hearing.

Dated: INDUSTRIAL ACCIDENT COMMISSION

The undersigned certifies that as an employee of the Industrial Accident Commission she served the foregoing notice on the parties hereinafter mentioned, at the time set opposite their respective names, by depositing a copy of said notice attached to a copy of the application therein mentioned, in a sealed envelope in the United States mail on said day, at San Francisco, California, with the postage thereon fully prepaid, and addressed to the said parties at their last known places of business or residence, as follows, to wit:

(See attached sheet for Service)

FORM 35-S(new 4-56

Signature Helen Ellis

NAMES OF PARTIES SERVED

DATE OF SERVICE

John E. Swartout, 3000 Merrywood Drive, Sacramento, Calif.
Smith & Parrish, 501 Financial Center Bldg., Oakland, Calif. JUN 22 1959
Mundet Cork Corp., 7101 Tonnelle Ave., North Bergen, N. J.
Harry A. Dutton, Inc., 532 Natoma St., S.F., Calif.
Dutton Asbestos Co., 532 Natoma St., S.F., Calif.
Dutton Asbestos & Supply Co., 532 Natoma St., S.F., Calif.
Western Asbestos Co., 675 Townsend St., S.F., Calif.
Bay City Asbestos Co., Ltd., 251 - 5th Ave., Oakland, Calif.
Cork Insulation Co., Inc., 730 - 5th Ave., N. Y.
Western Fibrous Glass Prod. Co., 739 Bryant St., S.F., Calif.
General Insulation & Rubber Corp., 1247 Main St., El Centro, Calif.
Armstrong Cork Co., Lancaster, Penn.
Johns Manville Sales Corp., 22 East 40th St., N.Y.
C. C. Moore & Co., 450 Mission St., S.F., Calif.
J. T. Thorpe & Son, Inc., 1351 Ocean Avenue, Emeryville, Calif.
M. H. Carpenter, 907 Front St., Sacramento, Calif.
S. H. Dutton Company, 532 Natoma St., S.F., Calif.
Bay Cities Asbestos Co., 251-5th Ave., Oakland, Calif.
Western Fiberglass Supply, 739 Bryant St., S.F., Calif.
~~General Insulation Co., S.F., Calif.~~ Retd.
The Asbestos & Magnesia Materials Co., Chicago, Ill.
~~Asbestos Supply Co. of Seattle, Fairbanks, Alaska~~ Retd
Phillip Care Mfg., Co., Cincinnati, Ohio
~~Tacoma Asbestos Co. of Tacoma, Anchorage, Alaska~~ Retd. Retd
~~Jenar-Olsen Co. of Chicago, Terre Haute, Indiana~~
~~Johns Manville, Trenton, New Jersey~~ Retd.
~~Insulation Services of Minn., Terre Haute, Indiana~~ Retd.
~~Hunter Manufacturing Corp. of Bristol, Pa, Tucson, Arizona~~ Retd.
Johns Manville, Pittsburg, Calif.
Pillsbury, Madison & Sutro, 225 Bush St., S.F., Calif.
Aetna Insurance Co., 220 Montgomery St., S.F., Calif.
State Compensation Insurance Fund, Personal Service
Industrial Indemnity Exchange, 155 Sansome St , S.F., Calif.
Industrial Indemnity Co., 350 Sansome St., S.F., Calif.
Pacific Indemnity Co., 114 Sansome St., S.F., Calif.
Liberty Mutual Insurance Co., 216 Pine St., S.F., Calif.
Employers Mutual Liab. Ins. Co. of Wisconsin, 114 Sansome St., S.F., Calif.
Travelers Ins. Co., 315 Montgomery St., S.F., Calif.
Standard Accident Ins. Co., 417 Montgomery St., S.F., Calif.
Pacific Employers Ins. Co., 505 Montgomery St., S.F., Calif.
Pacific Employers Ins. Co., 3770 Piedmont Ave., Oakland, Calif.
Keith, Creede & Sedgwick, 100 Bush St., S.F., Calif.
Leonard, Hanna & Brophy, 100 Bush St., S.F., Calif.
Div of Labor Standard Serv.

he