

FILE NAME: Contract Unit Workers Comp Claims (WCC)

DATE: 1962

DOC#: WCC024

DOCUMENT DESCRIPTION: Workers Comp File - Gronenthal, John B

Contains all documents found in the Claimant's file, with one blank page between each separate document

Asbestos
11/30/62

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS
STATE OF WASHINGTON

In re JOHN B. GRONENTHAL, DEC'D.) DOCKET NO. 15,975
Claim No. C-753051) DECISION AND ORDER

FILED DEC - 31 - 1962

APPEARANCES:

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

Employers:

Vermiculite Contractors, Inc. by
Bayley, Fite, Westberg & Madden, 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

alveolar 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 fibroses, 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

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:

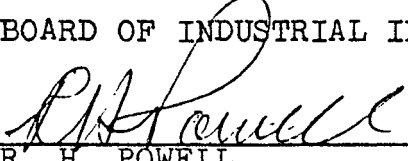
- 21 1. This board has jurisdiction of the parties
22 and subject matter of this appeal.
23 2. The order of the supervisor of the super-
24 visor of industrial insurance issued herein
25 on June 7, 1961, should be reversed and this
26 claim remanded to the department with in-
27 structions to allow the 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

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

Dated this 30th day of November, 1962.

BOARD OF INDUSTRIAL INSURANCE APPEALS


R. H. POWELL

Member


HAROLD J. PETRIE

Member

W. H. C. C. C.

June 26, 1962

BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS

STATE OF WASHINGTON

In re: **JOHN B. GRENENTHAL, DEC'D**

DOCKET NO. **15,973**

Claim No. **C-713051**

NOTICE OF HEARING

TO: **John B. Grenenthal, deceased workman;
Lilly Henry Grenenthal, surviving widow, and Frederickson,
Honey and Bell, her attorneys;
W. S. Jenkins, Charles E. Brown Co., Curtis Insulating Co.,
Armstrong Co., Fiberglass Ins. Corp., W. J. Brown & Co.,
Vernicleite Co., Associated Asbestos & Cork, Insulation Inc.,
Armstrong Co., A Supply Company, Tacoma Asbestos, and
Bayley, Pitt, Weathers and Madison, attorneys for Vernicleite Co.,
and to the Department of Labor and Industries, and**

GREETINGS: **John J. O'Connell, The Attorney General, and
John J. Quinn, Chief of Staff, its attorneys.**

YOU AND EACH OF YOU WILL HEREWITH TAKE NOTICE that
a hearing will be held on the issues raised in the above-
numbered claim at:

**Spokane County Court House,
Spokane, Washington, on
Tuesday, July 10, 1962 at
9:30 A.M.,**

pursuant to Section 51.52.100, Revised Code of Washington, and Section
5.5, Rules of Procedure of the Board of Industrial Insurance
Appeals.

You are advised that Section 51.52.102, Revised Code of
Washington, provides that each party shall present all his
evidence with respect to the issues raised in the notice of
appeal at the above time and place and in the event of failure
so to do the board may determine the issues upon such evidence
as may be presented to it at said hearing.

Continuances will be granted only as provided in Section
51.52.102, Revised Code of Washington, and Section 5.9, Rules
of Procedure of the Board of Industrial Insurance Appeals,
which rules may be procured from the Secretary of said Board.

The parties to the above-numbered appeal are as
follows:

**John B. Grenenthal, deceased workman;
Lilly Henry Grenenthal, surviving widow;
W. S. Jenkins, Charles E. Brown Co., Curtis Insulating Company,
Armstrong Co., Fiberglass Ins. Corp., W. J. Brown & Co., Vernicleite Co.,
Associated Asbestos & Cork, Insulation Inc., Armstrong Co., A Supply Co.,
Tacoma Asbestos, employer;
The Department of Labor and Industries.**

DATED at Olympia, Washington, this 10th day of

June, 1962

BOARD OF INDUSTRIAL INSURANCE APPEALS

by Robert K. Kern
Secretary to Board

(over)

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:

ALLY H. CHRISTIAN

1116 15th Ave.

Seattle, Washington

Appearing as employee

Producers, Home, and Bell, Inc.

800-200 Broadway Bldg.

Seattle, Washington

Appearing as attorney for carrying union

ALLY, 1116 15th Ave. and Bell, Inc.

The above named party is at

Seattle, 1116 15th Ave. for above

Appearing as attorney for above

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

401 12th Ave. W.

Seattle, Washington

Appearing as employee

WHEELER & WHEELER & CO.

SECRETARY, BOARD OF INDUSTRIAL INSURANCE APPEALS

DATED at Olympia, Washington, this 10th day of June 1961

JOHN J. QUINN, Clerk of Court

1116 15th Ave.

Seattle, Washington

Appearing as attorney

for the Department

STATE OF WASHINGTON

*Original copy mailed
to HC45 - Spokane
with*

In re JOHN B. GRENENTHAL, DEC'd

DOCKET NO. 15,975

Claim No. C-750351

Archie

NOTICE OF HEARING

TO: John B. Grenenthal, deceased workman;
 Lilly Nancy Grenenthal, surviving widow, and Fredrickson,
 Henry and Doll, her attorneys;
 V.W. Jenkins, Charles R. Brower Co., Curtis Insulating Co.,
 Armstrong Cork, Fiberglass Eng. Co., E.J. Bartelle Co.,
 Vermiculite Co., Associated Asbestos & Cork, Inculation 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.

GREETINGS:

YOU AND EACH OF YOU WILL HEREWITH TAKE NOTICE that
 a hearing will be held on the issues raised in the above-
 numbered appeal at

Spokane County Court House,
 Spokane, Washington, on
 Friday, January 5, 1962 at
 1:30 P.M.,

*12/21/61
and*

pursuant to Section 11, Chapter 225, Laws of 1951, and Section
 5.5, Rules of Procedure of the Board of Industrial Insurance
 Appeals.

You are advised that Section 12, Chapter 225, Laws
 of 1951, provides that each party shall present all his
 evidence with respect to the issues raised in the notice of
 appeal at the above time and place and in the event of failure
 so to do the board may determine the issues upon such evidence
 as may be presented to it at said hearing.

Continuances will be granted only as provided in
 Section 12, Chapter 225, Laws of 1951, and Section 5.9, Rules
 of Procedure of the Board of Industrial Insurance Appeals,
 which rules may be procured from the Secretary of said Board.

The parties to the above-numbered appeal are as
 follows:

John B. Grenenthal, deceased workman;
 Lilly Nancy Grenenthal, surviving widow;
 V. S. Jenkins, Charles R. Brower Co., Curtis Insulating Co.,
 Armstrong Cork, Fiberglass Eng. Co., E. J. Bartelle Co.,
 Vermiculite Co., Associated Asbestos & Cork, Inculation Inc.,
 Armstrong Cork & Supply Co., Tacoma Asbestos, employer;
 The Department of Labor and Industries.

DATED at Olympia, Washington, this 14th day of

December, 1961.

BOARD OF INDUSTRIAL INSURANCE APPEALS

By

Richard T. Terne
 Secretary to the Board

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 Nancy Cronenstal
E. 2116 5th Ave.
Spokane, Washington
Appearing as surviving widow

Frankelton, Nancy and Bell, Attyo.
203-209 Lockery Bldg.
Spokane, Washington
Appearing as attys. for surviving widow

V. S. Jenkins
1953 1st Ave., S.
Seattle, Washington
Appearing as employer

Charles R. Brown Co.
114 Virginia St.
Seattle, Washington
Appearing as employer

Curtis Insulating Co.
R. 713 Cork
Spokane, Washington
Appearing as employer

Armstrong Cork
603 Terminal Sales Bldg.
Seattle, Washington
Appearing as employer

Pillorglass Eng. Co.
P.O. Box 89
Santa Clara, California
Appearing as employer

D. J. Bartelle Co.
1212 6th Ave. S.
Seattle, Washington
Appearing as employer

Vermiculite Co.
2107 N. 34th Street
Seattle, Washington
Appearing as employer

Associated Asbestos & Cork
4101 22nd Ave. W.
Seattle, Washington
Appearing as employer

Insulation Inc.
P.O. Box 12002
Spokane, Washington
Appearing as employer

Armstrong Cork & Supply Co.
✓ 120 N. Lima St.
Lancaster, Penn.
Appearing as employer

Tacoma Asbestos
251 S. 25th
Tacoma, Washington
Appearing as employer

John J. Quine, Chief of Staff
226 Norton Building
Seattle, Washington
Appearing as attorney for Dept

DATED at Olympia, Washington, this 24th day of December,
1961.



SECRETARY, BOARD OF
INDUSTRIAL INSURANCE APPEALS

September 5, 1961

Mr. F. L. Gardner
Armstrong Contracting and Supply Corp.
120 North Lime Street
Lancaster, Pa.

Dear Fred:

Subject: John B. Gronenthal
Workmen's Compensation Claim
Washington

The attached notice indicates a hearing will be held September 12, in Spokane, Washington. Our records indicate Gronenthal was employed in Washington by both Armstrong Cork Company and Armstrong Contracting and Supply.

We did not receive a copy of the accident report, however, we presume this is an asbestosis claim which comes under the jurisdiction of the Washington Department of Labor and Industries.

In case someone in the Spokane Office might wish to attend the hearing we list below the periods of employment with Armstrong Contracting and Supply:

June 9, 1958 to August 28, 1958
December 23, 1958 to March 13, 1959
October 13, 1959 to November 3, 1959
January 18, 1960 to June 3, 1960

Washington is a monopolistic state, not covered by Travelers.

Sincerely yours,

R. C. Schiedt, Jr.
Insurance Department

MLT

Enclosure

BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS

STATE OF WASHINGTON

In re John E. Greenhalgh, deceased

DOCKET NO. 13,478

Claim No. C-7157-51

NOTICE OF CONFERENCE

John E. Greenhalgh, deceased estate;
TO: 1311, Kasey Greenhalgh, surviving widow, and Pauline
Soil, her daughter;
V. E. Jenkins, Charles R. Brewer, CO., Curtis Insulation
Company, Inc., Fiberglass Ins. Company, E. J. Bartlett
Fiberglass Co., Associated Insulation & Cork, Insulation
Company, Inc., and Tamm & Johnson, and
the Department of Labor and Industries, and
GREETINGS: John J. Quinn, Chief of Staff, his attorneys.

YOU AND EACH OF YOU WILL HEREWITH TAKE NOTICE THAT
conference will be held in the above appeal at
Spokane County Health Building,
North 212 Jefferson Street,
Spokane, Washington, on
Tuesday, September 12, 1961 at
3:30 P.M. or as soon thereafter
as the matter may be heard,
pursuant to Section 10, Chapter 225, Laws of 1951, and Section
5-3, Rules of Procedure of the Board of Industrial Insurance
Appeals.

8/20/61
web
This conference is held for the purpose of determining
the feasibility of settlement, the simplification of issues
law and fact, the necessity of amendments to the notice of
appeal or other pleadings, the possibility of obtaining admission
of fact and of documents which will avoid unnecessary proof,
limitation of the number of expert witnesses, and such other
matters as may aid in the disposition of the appeal.

You are advised that Section 10, Chapter 225, Laws
1951, provides in part as follows:

"If agreement concerning final disposition of
the appeal is reached by the parties present
at the conference, or by the employer and the
workman or beneficiary, the board may enter a
final decision and order in accordance there-
with, providing the board finds such agreement
is in conformity with the law and the facts."

1961
GIVEN at Olympia, Washington, this 20th day of August,
1961.

BOARD OF INDUSTRIAL INSURANCE APPEALS

By Robert T. Quinn
Secretary to the Board

(Over)

196

MAILED AT OLYMPIA, WASHINGTON, THIS DAY OF AUGUST

NOTED AT OLYMPIA, WASHINGTON
AUGUST 11, 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

Appearing as employee
R. J. BENTLEY CO.
THIS DAY 1935

I hereby certify that I have this day served the foregoing
notice of conference upon the following parties or 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:

CERTIFICATE OF SERVICE BY MAIL

John B. Brown, Jr. 536-03-189

Spokane 4-4-51 to 7-27-51 Wash.

Spokane 10-5-53 to 10-13-53 } Wash.
12-7-53 to 12-17-53 }

Richland 1-4-54 to 1-15-54 Wash.

4-29-54 to 6-11-54 Wash.

7-6-54 to 4-8-55 Wash.
1 week Idaho

4-28-55 to 7-14-55 Wash.
1 week Montana

4 weeks Montana

Spokane 6-9-58 to 8-28-58 Wash,

12-23-58 to 3-13-59 Wash

10-13-59 to 11-3-59 Wash

1-18-60 to 6-3-60 Wash

1 week Idaho

BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS

STATE OF WASHINGTON

FILED AUG 10 1961

In re JOHN B. GRENENTHAL, DEC'D.

Claim No. C753051

DOCKET NO. 15,975

ORDER GRANTING APPEAL

Claimant's notice of appeal in the above-entitled claim came on for consideration this day. After considering the allegations contained in said notice of appeal, this board is of the opinion that claimant's appeal should be granted.

It is, therefore, ORDERED that the above appeal be granted and that a conference be held on the issues raised therein after due notice of time and place to all interested parties.

cc: Dated this 3rd day of August, 19 61.

Lilly Nancy Grenenthal
R. 1116 Fifth Avenue
Spokane, Washington

BOARD OF INDUSTRIAL INSURANCE APPEALS

Fredrickson, Mawey & Bell
Attorneys at Law
203 Rookery Bldg.
Spokane, Washington

HARRIS LYNCH

Chairman

V. S. Jenkins
1955 1st Avenue So.
Seattle, Washington

JOE DAVIS

Member

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

HAROLD J. PETRIE

Member

cc: Associated Asbestos & Cork
4401 23rd Avenue W.
Seattle, Washington

Curtis Insulating Co.
N. 713 Cook
Spokane, Wash.

Insulation Incorporation
P. O. Box 1802
Spokane, Washington

Armstrong Cork
803 Terminal Sales Bldg.
Seattle, Washington

Armstrong Cont. & Supply Co.
120 N. Line St.
Lancaster, Pennsylvania

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

Tacoma Asbestos
14th & K
Tacoma, Washington

E. J. Bartells Co.
1212 6th Avenue So.
Seattle, Washington

cc Dept. of Labor and Industries

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

THIS ORDER AND COPY OF APPEAL REFERRED TO HEREIN ARE FORWARDED TO THE INTERESTED PARTIES IN COMPLIANCE WITH THE PROVISIONS OF SEC. 8, CHAP. 274, LAWS OF 1961.

BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS
OF THE STATE OF WASHINGTON

IN RE:

LILLY NANCY GROMENTHAL,

Petitioner,

JOHN B. GROMENTHAL,

Deceased.

CLAIM NO. C 753051

NOTICE OF APPEAL AND
APPLICATION FOR HEARING

TO:

BOARD OF INDUSTRIAL INSURANCE APPEALS and
DIRECTOR OF LABOR & INDUSTRIES

The above named claimant appeals from that certain
Order of the Supervisor of Industrial Insurance dated 6-7-61,
entitled "General Order", which Order denied her claim for benefits
as the surviving widow of John B. Gromenthal, Deceased, and petition
the Board for a hearing on the merits of her claim. She alleges
that:

1. She resides at East 1116 Fifth Avenue, Spokane,
Washington, and she has retained Fredrickson, Kasey & Bell, 208
Rockery Building to represent her and directs that all correspondence
of every nature be sent to her in care of her attorneys.

2. Her husband, John B. Gromenthal, died as a result
of an occupational disease, which had been sustained in his normal
work over the past nineteen years.

WHEREFORE, the claimant prays that the order of the
Board be reversed; that her claim for benefits as the surviving
widow be provided by law.

FREDRICKSON & BELL

9-17-56 to 11-9-56 from N. Adams

12-3-56 to 6-6-57 Illinois

worked in Comer as a pipe
layer

Before The Board Of Industrial Appeals
State Of Washington

In Re John B. Gronenthal, Dec' D. 7)

Claim No C-753051

Docket No L5,975

Decision And Order

Appearances:

Petitioner, Lilly Nancey Gronenthal, by
Frederickson, Maxey & Bell, Per
Leo H. Fredrickson

Employers:

Vermiculite Contractors, Inc. By
Bayley, Fite, Westberg & Madden, per
Alfred J. Westberg

Fiberglas 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

Curtis Insulation Co.,
None

Charles R. Brower 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. Kelley, Assistant

Appeal filed by the petitioner, Lilly Nancy Gronenthal, Widow of the deceased workman, John B. Gronenthal, on July 7, 1961, denying the petitioner's claim for a widows pension on the 7 day of June 1961, On the Ground that the decedents death was due to

11/30/62

Alveolar 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 Faver 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 (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 minerals establishes that the major constituent of most of these was "silica or a silicate compound." It is uncontroverted on the records 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 records as an exhibit, establishes (A) that Mr. Gronenthal died as a result of having developed a condition called cor 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 carcinomas 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 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 workmans 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, 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 insulation 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 ventilation, the temperature, the degree of physical exertion expended by the workman, and the position of the materials being installed with relation to the workman.

3.

as a result of his exposure to dust occasioned by the use of these various industrial insulating materials, Mr. Gronenthal developed a pulmonary condition called "Asbestosis," otherwise described as diffuse interstitial fibrosis. The "Asbestos" particles (silicas and/or silicates) in the decedent's lungs tissue acted as carcinogenic agents which materially contributed to the development of alveolar cell carcinoma of the lungs (pulmonary adenomatosis), and the combined pulmonary disease resulting therefrom caused a condition described as cor pulmonale as a result of which Mr. Gronenthal died on January 12, 1961.

Conclusions

Based on the foregoing findings of, the board concludes

1.

This board has jurisdiction of the parties and subject matter of this appeal.

2.

The order of the supervisor of industrial insurance issued herein on June 7, 1961, should be reversed and this claim remanded to the department with instructions to allow the petitioner's claim for widow's benefits under the workmans compensation act and to take such further action as may be authorized or required by law.

Order

Now, therefore, it is hereby ordered that the order of the supervisor of industrial insurance issued herein on June 7, 1961, be, and the same is hereby, reversed and this claim remanded to the department with instructions to allow the

petitioner's claim for widow's benefits under the
workmans compensation act and to take such further action
as may be authorized or required by law.

Dated this 30th day of November, 1962.

Board of Industrial Insurance Appeals

R. H. Powell	member
--------------	--------

Harold J. Petrie	member
------------------	--------