

Vorys, Sater, Seymour and Pease

Suite 2100 • Atrium Two • 221 E. Fourth Street • Post Office Box 0236 • Cincinnati, Ohio 45201-0236 • Telephone (513) 421-8777 • Telecopier (513) 421-0107

Arthur I. Vorys
1856-1933
Lowry R. Sater
1867-1935
Augustus T. Seymour
1873-1926
Edward L. Pease
1873-1924

In Columbus
52 East Gay Street
Post Office Box 1008
Columbus, Ohio 43216-1008
Telephone (614) 464-6400
Telecopier (614) 464-6350
Rapidfax (614) 464-6453
Telex 241348
Cable: VORYSATER

In Washington
Suite 1111
1828 L Street, NW
Washington, D.C. 20036-5104
Telephone (202) 822-8200
Telecopier (202) 835-0699
Telex 440693

In Cleveland
2100 East Ohio Building
1717 East Ninth Street
Cleveland, Ohio 44114-2803
Telephone (216) 621-7091
Telecopier (216) 621-8366

August 27, 1986

Mr. Anthony J. Colangelo
Sherwin-Williams Company
101 Prospect Avenue NW
Cleveland, Ohio 44115-1075

REDACTED

Re: Claimant:
Claim No. 888596-22

Dear Tony:

I assume you have received the enclosed order of the Dayton Regional Board which vacates the decision of the District Hearing Officer and allows the claim for chemical induced bronchial asthma and coronary insufficiency resulting in aggravation of pre-existing angina. Needless to say, I believe that the decision is wrong and should be reversed. Specifically, as to the chemical induced bronchial asthma, I am sure that the Dayton Regional Board relied upon the report of Dr. Brooks. However, it is evident from Dr. Brooks' report that he does not causally link the development of bronchial asthma to the particular exposure of April 16, 1984. Therefore, I cannot conceive how this condition can be attributed to that exposure.

In connection with the allowance of coronary insufficiency resulting in aggravation of pre-existing angina, I find no medical evidence in the file to support such a diagnosis. I believe that the Dayton Regional Board was trying to overcome the hurdle of angina pectoris being only a symptom of his underlying heart condition by labeling the condition very generally as coronary insufficiency. All the medical practitioners who have rendered an opinion in this case have concluded that his coronary artery disease was not caused or aggravated by his employment.

During our last conversation, you mentioned that you might be interested in settling this claim with the claimant's attorney after receipt of the decision of the Dayton Regional Board. However, we should appeal the decision of the Dayton Regional Board to the Industrial Commission because it is