FILE NAME: Insulators Workers' Comp Claims (IWC)

DATE: 1964

DOC#: IWC060

DOCUMENT DESCRIPTION: Claimant - Rogers, Ollie [From J-M Archive]

File Name	Contract Unit Claim File: Ollie*Rogers Jun. 23/64
Scanned ?	yes
Source	JMA: NS-JM
Start Year	1964
Stop Year	1964
Contents	claim
Notes	

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

APPLICANT OLLIE ROGERS CASE # LB 26779

Insulation Mechanic

DATE CLAIM FILED June 23, 1964

INJURY ALLEGED Pulmonary Fibrosis

ALLEGED DATE OF INJURY 1942-1962

EMPLOYER/INSURER Thorp Insulation Co./Firemen's Fund Ins. Co., et. al including J-M Products Corp./Travelers

No apparent Canadian carrier

OTHER NOTES Asbestosis/pulmonary fibrosis

Applicant reopened case 1970 due to deteriorating condition

DATE OF RESOLUTION	July 11, 1966	Oct. 22, 1971
RESOLUTION	Findings & Award	Compromise & Release
	$14,280 settlement	$11,294 settlement

DOCUMENTS COPIED	1) Compromise & Release & Order Approving	# OF PAGES 7
	2) May 26, 1966 Rpt of Dr. Urabec to Pacific Employers	p.4

CLAIMANT Ollie Rogers 34

California Workers' Compensation Appeals Board

CARRIERS INVOLVED:

- ●The AETNA Casualty & Surety Co.
- oAmerican Automobile Ins. Co.
- oAmerican Employers Ins. Co.
- oAmerican Motorists Ins. Co.
- oArgonaut Ins. Co.
- oAssociated Indemnity Corp.
- ●California Casualty Indemnity Exchange
- ●California Compensation & Fire Co.
- oCasualty Ins. Co. of California
- oEmployers Liability Assurance Corp.Ltd.
- oEmployers 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.
- oHardware Mutual Casualty Co. (Sentry Ins. Co.)
- ●Industrial Indemnity Co.
- oIndustrial Indemnity Exchange
- oInsurance Co. of North America
- oLiberty Mutual Ins. Co.
- oLumberman's Mutual Casualty Co.
- ●Maryland 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.
- oReliance 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.
- oZurich Ins. Co.
- o_____
- o_____
- o_____
- o_____
- o_____

SCHEDULE OF CONTRIBUTIONS

		CONTRIBUTION
ST. LOUIS FIRE, BRICK & INSULATION COMPANY; CALIFORNIA COMPENSATION & FIRE COMPANY	.034	$ 384.00
JOHNS-MANVILLE PRODUCTS CORPORATION; THE TRAVELERS INSURANCE COMPANY	.185	2,089.39
ROTHSCHILD OIL COMPANY; MARYLAND CASUALTY INSURANCE COMPANY	.003	33.88
BECHTEL CORPORATION; INDUSTRIAL INDEMNITY INSURANCE COMPANY	.005	56.47
MARINE ENGINEERING; PACIFIC EMPLOYERS INSURANCE COMPANY	.220	2,258.80
BECHTEL CORPORATION; AETNA CASUALTY & SURETY COMPANY	.008	90.35
GOLDEN BEAR OIL COMPANY; STATE COMPENSATION INSURANCE FUND	.013	146.82
PURITAN ICE COMPANY; CALIFORNIA CASUALTY INDEMNITY COMPANY	.005	56.47
FIBERGLASS ENGINEERING & SUPPLY COMPANY; AETNA CASUALTY & SURETY COMPANY	.006	67.76
THORPE INSULATION COMPANY FIREMAN'S FUND INSURANCE COMPANY	.521	6,110.06
TOTAL CONTRIBUTIONS:		$11,294.00

OLLIE W. ROGERS - WCAB Case No: 64 LB 26779

OCT 20 9 42 AM '71

4
Re: Ollie Rogers

The patient was referred to the x-ray department of the Hospital of the Good Samaritan for chest x-rays. These were reported as follows:

"Chest: Postero-anterior and lateral views of the chest show the heart to measure 14 cm. while the chest measures 31 cm. Both costophrenic angles are blunted and there is thickened pleura along both lateral chest walls. The bronchovascular markings are prominent in both bases, more so on the right near the heart border. There is a fibrotic appearance with the possibility of small cysts in the right apex with a considerable pleural cap. Minor fissure is depressed. A lateral film demonstrates considerable degenerative change of the dorsal spine. There is an overlying soft tissue density on the lower two or three vertebral bodies which would suggest parenchymal lesion. Whether this is acute, the findings are not known as old films are not available for comparison."

/s/ R. E. Levis.

The diagnosis of this pulmonary condition is established by the lung biopsy which showed the findings of an asbestosis. He has a permanent disability but at this time it is partial only. He is physically able to perform a light type of work. As regards liability of his condition I believe this must be apportioned by his various employers and this is dependent on the duration of his employment and by the type of work in which he was engaged.

As stated above he is physically able to do a light type of work and should be encouraged to do so. However, he should avoid an atmosphere of potentially harmful dusts since it might cause an aggravation of his present underlying condition.

Very truly yours,

John H. Urabec, M. D.

WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

OLLIE M. ROGERS,

Applicant

vs.

FIBERGLASS ENGINEERING & SUPPLY COMPANY

Defendant

CASE No. 64 LB 26779

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 3rd day of April, 1981

DIA WCAB FORM 115 (NEW 1-75)

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF INDUSTRIAL ACCIDENTS

WORKMEN'S COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

OLLIE M. ROGERS, Applicant vs. FIBERGLASS ENGINEERING & SUPPLY CO; AETNA CASUALTY & SURETY CO., MARINE ENGINEERING CO., PACIFIC EMPLOYERS INSURANCE CO., BALDWIN-EHRET HILL; AETNA CASUALTY & SURETY CO., THORPE INSULATION COMPANY; FIREMAN'S FUND INSURANCE CO., JOHNS-MANVILLE PRODUCTS CO.; THE TRAVELERS INSURANCE CO., PURITAN ICE CO.; CALIFORNIA CASUALTY INDEMNITY CO., GOLDEN BEAR OIL CO., STATE COMPENSATION INSURANCE FUND, ST. LOUIS FIRE BRICK CO., CALIFORNIA COMPENSATION & FIRE CO., ROTHCHILD OIL CO., MARY LAND CASUALTY CO., BECHTEL CORPORATION; INDUSTRIAL INDEMNITY CO., Defendants	Case No. 64 LB 2677 ORDER APPROVING COMPROMISE AND RELEASE

Applicant received a Findings and Award July 11, 1966 of 68% based on a limitation to light work without dust environment and further medical treatment; this has been paid in full in the amount of $14,280.00. A Petition to Reopen is filed and the parties now settle this case for the additional sum of $11,294.00. Applicant ha worsened. Dr. Goldfarb finds him limited to sedentary work; Dr. Dickstein finds him totally disabled. Based upon the fact that deat benefits cannot be awarded in the future due to jurisdictional limitation, the settlement is adequate for lifetime benefits and will permit the Applicant to enjoy present benefits thereby.

The contributions are in accordance with the agreement. Fireman's Fund Insurance Company shall pay the following liens: Dr. Edward Dickstein, $294.00; Endriss Photocopy Service, $21.00; Levy & Van Bourg, costs $55.18; Levy & Van Bourg, fees $1,000.00.

The parties to the above entitled action have filed a Compromise and Release herein, on October 20, 1971 settling this ca for $11,294.00 in addition to all sums which have been paid previou and requesting that it be approved; and this Board having considere the entire record, including said Compromise and Release, now finds that it should be approved; and

IT IS ORDERED that said Compromise and Release is approved

AWARD is made in favor of OLLIE W. ROGERS

Against: AETNA CASUALTY & SURETY CO., PACIFIC EMPLOYERS INSURANCE CO., INDUSTRIAL INDEMNITY CO., MARYLAND CASUALTY INSURANC CO., CALIFORNIA CASUALTY & INDEMNITY CO., STATE COMPENSATION INSURA FUND, CALIFORNIA COMPENSATION & FIRE CO., FIREMAN'S FUND INSURANCE TRAVELERS INSURANCE CO.

Payable as follows:

By CALIFORNIA COMPENSATION & FIRE CO. To: Ollie W. Rogers, applicant	$ 384.0
By THE TRAVELERS INSURANCE CO. To: Ollie W. Rogers, applicant	2,089.3
By MARYLAND CASUALTY INSURANCE CO. To: Ollie W. Rogers, applicant	33.8
By INDUSTRIAL INDEMNITY CO. To: Ollie W. Roger, applicant	56.4
By PACIFIC EMPLOYERS INSURANCE CO. To: Ollie W. Roger, applicant	2,258.8
By AETNA CASUALTY & SURETY CO. To: Ollie W. Roger, applicant	158.1
By STATE COMPENSATION INSURANCE FUND To: Ollie W. Roger, applicant	146.8
By CALIFORNIA CASUALTY INDEMNITY CO. To: Ollie W. Roger, applicant	56.47

By FIREMAN'S FUND INSURANCE CO.

To: Dr. Edward Dickstein, lien claimant $ 294.00
Endriss Photocopy Service, lien 21.00
Levy & Van Bourg, lien claimant 55.18
Levy & Van Bourg, attys 1000.00
Total liens $1370.18

Ollie W. Rogers, applicant 4739.88
Total due 6,110.

$11,294.

Boris Raynes, Referee
WORKMEN'S COMPENSATION APPEALS BOA

Long Beach, California
SERVED ON ALL PARTIES LISTED

ON OFFICIAL ADDRESS RECORD
Dated: 10/22/71 By

OCT 22 1971
LONG BEACH OFFICE

INSTRUCTIONS

1. not use this form in death cases. Use Form 16. Do not use in third-party cases. Use 17.
2. the injured employee be under 21 years of age and a guardian ad litem has not been previously appointed, a petition for appointment guardian ad litem and trustee must accompany this agreement.
3. The guardian must sign this agreement on behalf of an injured employee who is under 21 years of age. If the minor is above the age of 14, such minor should also sign this agreement.
4. ach all medical reports not heretofore submitted to the Workmen's Compensation Appeals Board and advise when other reports were filed.

STATE OF CALIFORNIA
HUMAN RELATIONS AGENCY
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF INDUSTRIAL ACCIDENTS
WORKMEN'S COMPENSATION APPEALS BOARD

COMPROMISE AND RELEASE

CASE NO. 64 LB 26779

(Mr.) (~~Mrs.~~) (~~Miss~~) OLLIE W. ROGERS — APPLICANT

SOCIAL SECURITY NO. 555-01-3895

6351 Ridgeview Avenue
Mira Loma, California 91752 — ADDRESS

VS.

VARIOUS EMPLOYERS — CORRECT NAME OF EMPLOYER

ADDRESS

RIOUS CARRIERS — CORRECT NAME OF INSURANCE CARRIER

ADDRESS

SUMMARY OF EVIDENCE
OCT 20
AND FILE
PROCESS
CORRECT
9 01 AM '71

The parties hereto, for the purpose of compromise only, hereby submit the following agreed statements of fact:

1. Ollie W. Rogers, employee herein, born on February 13, 1905, claims that he was employed on the Between 1942 through December 2, 1963 day of ////////// (MONTH) //// (YEAR) at (CITY) (STATE) as a Insulation Worker (OCCUPATION) by Various Employers (NAME OF EMPLOYER) then insured as to workmen's compensation liability by Various Carriers (STATE NAME OF CARRIER OR WHETHER SELF-INSURED) and that he sustained an injury arising out of and in the course of his employment as follows: Alleges injury to his lungs and chest and respiratory system as a result of exposure to asbestos and other materials. The Compromise and Release is intended to cover any and all parts of the body claimed to have been injured as a result of said exposure.

2. The actual weekly wages of the employee at the time of injury were $ Maximum, while the average weekly wages were $ .....

3. The employee's present disability is in dispute. (STATE PRESENT DISABILITY RESULTING FROM THE INJURY) and the employee has not returned to work ..... (IF SO, STATE WHEN)

4. (a) Temporary disability indemnity has been paid to the employee in the sum of $ 3,730.00 at $ 70.00 per week beginning 4/29/64 to and including 5/6/65. The amount due and unpaid to the employee is $ None

(b) Permanent disability indemnity has been paid to the employee in the sum of $ //// covering period ..... to $14,280.00

5. The parties hereby agree to settle any and all claims on account of said injury by the payment of the sum of $ 11,294.00 in addition to any sums heretofore paid by the employer or the insurer to the employee, said sum to be payable as follows:

All to applicant, less $294.00 to Edward Dickstein, M.D., lien claimant, less any attorney's fees as allowed by the Appeals Board, less lien of [illegible] for [illegible] $21.00 payable to Consolidated Photocopy Service.

6. Medical and hospital expenses have been paid $ None by the employee and $ All by the employer or carrier. Unpaid bills amount to $ None. Future medical and hospital expense is estimated at $ ..... Unpaid and future medical and hospital expense is to be assumed as follows: All by applicant and none by defendants.

Name and address of employee's attorney, if any Levy & Van Bourg 110 W. Ocean Boulevard Long Beach, Calif. 90802

8 Said attorney requests a fee of $ 1,000.00 Amount of attorney fee previously paid, if any, $

Reason for Compromise SEE PAGE TWO AND ONE-HALF.

10. The undersigned request that this Compromise Agreement and Release be approved.

Upon approval of this Compromise Agreement by the Workmen's Compensation Appeals Board or a Refree, and payment in accordance with the provisions hereof, said employee releases and forever discharges said employer and insurance carrier from all claims and causes of action, whether now known or ascertained, or which may hereafter arise or develop as a result of said injury, including any and all liability of said employer and said insurance carrier and each of them to the dependents, heirs, executors, representatives, administrators or assigns of said employee.

12. It is agreed by all parties hereto that the filing of this document is the filing of an application on behalf of the employee, and that the W.C.A.B. may in its discretion set the matter for hearing as a regular application, reserving to the parties the right to put in issue any of the facts admitted herein, and that if hearing is held with this document used as an application the defendants shall have available to them all defenses that were available as of the date of filing of this document, and that the W.C.A.B. may thereafter either approve said Compromise Agreement and Release or disapprove the same and issue Findings and Award after hearing has been held and the matter regularly submitted for decision.

13. For the purpose of determining the lien claim filed herein for the unemployment compensation disability benefits or unemployment compensation benefits and extended duration benefits which have been paid under or pursuant to the California Unemployment Insurance Code, the parties propose the following division of the sum agreed upon for settlement and release of this case:

$ for temporary disability covering the period to

$ for accrued medical expense paid or incurred by the employee.

$ for future medical care.

$ for permanent disability.

(The above segregation must be fair and reasonable and must be based on the real facts of the case. There should be no attempt made to deprive the lien claimant of a reasonable recovery consistent with all the amounts involved. W.C.A.B. Rule 10886 requires proof of service of a copy of this agreement on such Lien Claimant.)

WITNESS *the signature hereof this* 29th *day of* July, 19 71, *at*

OLLIE W. ROGERS, APPLICANT

RICHARD J. CANTRELL
ATTORNEY FOR APPLICANT

FIREMAN'S FUND INSURANCE COMPANY
HERLIHY, HERLIHY, JONES & NELSON
BY: JOSEPH ENDRES

WITNESSES
THE INJURED APPLICANT'S SIGNATURE MUST BE ATTESTED BY TWO DISINTERESTED PERSONS OR ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

STATE OF CALIFORNIA
County of Riverside } ss.

On this 29th *day of* July, *A.D.* 19 71, *before me,*
a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared
Ollie W. Rogers
known to me to be the person whose name subscribed to the within Instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, *I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written*

Notary Public in and for said County and State of California

AETNA CASUALTY INSURANCE COMPANY	KENDIG, STOCKWELL, GLEASON & AL BY:
PACIFIC EMPLOYERS INSURANCE COMPANY	ROBERTS & THOMASON BY:
INDUSTRIAL INDEMNITY INSURANCE COMPANY	MANSELL & GIDDENS BY:
MARYLAND CASUALTY INSURANCE COMPANY	ZONNI, GINOCCHIO & TAYLOR BY:
CALIFORNIA CASUALTY & INDEMNITY COMPANY	BY: DALE TIPTON
STATE COMPENSATION INSURANCE FUND	BY: ROBERT GOODIN
CALIFORNIA COMPENSATION AND FIRE COMPANY	BY:
FIREMAN'S FUND INSURANCE COMPANY	HERLIHY, HERLIHY, JONES & NELSON BY: JOSEPH J. ENDRES
THE TRAVELERS INSURANCE COMPANY	BY:

OLLIE W. ROGERS - WCAB Case No: 64 LB 26779

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