Form RH-27-OD-7 Part
10M—12-55

P 8-M

THE INDUSTRIAL COMMISSION OF OHIO DAYTON REGIONAL BOARD OF REVIEW

RECORD OF PROCEEDINGS

Employee Henry N. Hoerst Claim No. OD - 107910

Street and No. 10109 Wayne Ave. - Woodlawn Date of Disability 6-12-57

City Cincinnati 15, Ohio (State) Manual No. 4233

Employer The Philip Carey Mfg. Co. Risk No. 1684

Street and No. Wayne Ave. - Lockland

City Cincinnati 15, Ohio (State)

PREVIOUS AWARDS FOR COMPENSATION AND MEDICAL SERVICES

Temporary Total to ..... Amount $.....

Temporary Partial to ..... Amount $.....

Permanent Partial from ..... Amount $.....

Permanent Total from ..... 19 ..... Amount $.....

Total Medical Services to date ..... Amount $ 50.00

FINDINGS OF FACTS AND MINUTES

On this day this claim was before the Board on appeal, having been assigned by The Industrial Commission of Ohio, and findings and orders were made for the payment of items listed below. The Auditor of The Bureau of Workmen's Compensation of Ohio was instructed to issue such warrants as are necessary to pay such items.

MEDICAL BILLS

Item	Name*	Address	Amount	Warrant No.

PLAINTIFF'S EXHIBIT W 1240

Blumberg No. 6113

COMPENSATION ..... Weeks at Rate of $.....

Type		Amount	Warrant No.

* Note to Auditor — In absence of another name, claimant is Payee.

Claimant; Richard Brady, Union Rep. (Present for claimant) (Address)

John S. Wirthlin, Atty. for L. A. Obenshain, Atty.

John T. Cantlon & Associates, Inc.; (Present for employer) 603 Dixie Terminal Bldg., Cincinnati 2 Ohio (Address)

Arthur C. Elliott, AAG, for Admr.

This action was based upon the following motion made by Mr. Baum

This claim coming on for hearing upon the Appeal of claimant filed June 10, 1959 from a finding and decision of the Administrator dated May 14, 1959, a pre-hearing conference having been held and upon consideration of the opinion of a qualified medical Specialist, requested by an order of this Board January 5, 1960 and other proof on file, the sole basis for instant claim being that of an Application for Occupational Change Award Due to Silicosis, filed December 26, 1958, it is the finding and decision of the Board that said Application, filed under the provisions of 4123.57 R.C., last paragraph of "D", is applicable only when an employee has contracted silicosis and benefits are only payable when medically advisable for the employee to change occupation to decrease substantially further exposure to silica dust and that said Application is denied for the reason claimant has contracted asbestosis or pneumoconiosis due to occupational exposure to asbestos and is not suffering from silicosis due to exposure to silica dust; there-

(over)

That any special findings or order written hereon supersedes any printed matter in conflict therewith.

This motion was seconded by Mr. Sansone and voted upon as follows:

Mr. Baum, aye; Mr. Sansone, aye; Mr. Barrett, aye.

Entered at Cincinnati, Ohio.

Date May 24, 1960 Secretary John W. Barrett

I, W. Arthur Baum member of the Regional Board of Review, do hereby certify that the above and foregoing is a true and correct copy of the Record of Proceedings had by the Dayton Regional Board of Review at a hearing held by said Board pursuant to an assignment by The Industrial Commission of Ohio under the provisions of Section 4123.516 of the Revised Code of Ohio.

W. Arthur Baum (Member) Chairman

C: L. A. Obenshain, Atty.
John T. Cantlon & Associates, Inc.

fore, claimant is not entitled to the benefit provided by 4123.57 R.C. mentioned hereinbefore.

Said finding and decision of the Administrator, dated May 14, 1959, is affirmed.

Either interested party has right of Appeal to the Industrial Commission within twenty (20) days from date of receipt of this finding and decision.