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July 5, 1973

INSURANCE
JUL 17 1973
J. D. K.

William Rastello
c/o Acme Quality Paint
8250 St. Aubin St.
Detroit, Michigan

Re: REDACTED - Acme Quality Paints C440-146764

Mr. Rastello:

As per our conversation of 6/25/73, this letter will serve to notify you of current developments on this file.

I am enclosing a carbon copy for your Cleveland Office to keep them posted as well.

As you know, we last discussed this case with regard to a job offer to . I then took your job offer, that of a filler packer A, to Dr. Austin, who has been treating ever since his original injury in December of 1970. Dr. Austin indicated that the job was medically feasible for to perform and as did not choose to return to work for Acme Quality Paints, we filed a 102B, meaning that could have returned to work with the State of Michigan. This form means that compensation benefits were suspended as of 5/2/73 following payments of 63 weeks and 5 days or a total amount paid to date of $5821.60 indemnity.

It was at this time apparently that sought to retain an attorney to represent him in the compensation matter. attorney was Mr. Jones of Rowe, Talon & Jones located in the Cadillac Tower Bldg. in Detroit. Mr. Jones appears to be an able attorney and requested from me medical reports, which I forwarded, which indicated that was able to return to his job.

Mr. Jones and I had not yet reached the stage where we were negotiating a redemption when a series of medical reports were received by me from Dr. Austin with regard to increasing problems. First medical report is dated 5/15/73, a copy enclosed with the letter, and it indicates that had been in on 5/14/73 and that Dr. Austin found to be in obvious discomfort on that date. Dr. Austin felt at the time that it was necessary to hospitalize for repeat carotid arteriogram to determine whether there were any changes taking place in the injury site.

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This hospitalization was authorized and on 5/21/73 a further report was received from Dr. Austin. Dr. Austin indicated that he did admit to Harper Hospital on 5/17/73 and performed a right carotid arteriogram which revealed that there was an increase in the mass in his right arterial venus aneurysm with a rather marked increase in the shofting of the midline structure of the brain toward the opposite side. Dr. Austin indicated that coupled with the fact claimant was receiving a rather acute increase in amount of headaches that he was experiencing, the doctor felt that there was a possible intra or extra aneurysmal hemorrhage which may have occurred. The doctor indicated that his neurological condition remains stable, that his primary problem is that of increasing headaches over the right side of his head. Dr. Austin felt that he is now disabled as a result of this condition from participating in work activity but that his future prognosis is uncertain, must be considered guarded. Dr. Austin felt that if headaches intensify or if he had a localizing neurological deficit should require surgery. Dr. Austin's indication is that surgical intervention would produce possibly grave consequences.

The doctor indicated that the patient was discharged Saturday, 5/19 and would return to the office on 6/7/73.

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On approximately 6/1 Dr. Austin called me requesting authorization for surgery to be performed at Harper Hospital to relieve the aneurysm in right carotid artery. There followed a number of telephone conversations with Dr. Austin with regard to the causal relationship between this need for surgery at the present time and his original injury of December 1970.

Basically I was questioning Dr. Austin to determine whether there was a causal relationship between the present problem and the original injury which apparently occurred on the job at Acme Quality Paints.

If such causal relationship is not established it was my position that we would deny benefits and prepare to litigate the matter. However, on 6/7/73, Dr. Austin responding to my oral questions, replied with a report which I will enclose for your review. Dr. Austin indicated that he felt the arterial aneurysm and its recent increase, were directly related to the original injury of December 1970. He felt that the blow to the head on that date aggravated an underlying condition which had indeed been present prior to the time of the accident. However, under Michigan Statute, the aggravation of a pre-existing condition, is grounds for compensable injury and as such, Dr. Austin was indicating that he felt the original problem and the need for present surgery were related and in fact the present disability, and present surgery were related to the original injury and thus becomes the responsibility of the compensation carrier.

There followed a number of discussion in the office as well as with our Home Office and we agreed to attempt to receive a substantiating position from another physician. We then enlisted the help of Dr. Thomas, an equally qualified neuro-surgeon, who discussed the case with Dr. Austin and reviewed medical records at Harper Hospital. It was Dr. Thomas' opinion that the present problem was related to the original injury of December of 1970 and as such he confirmed Dr. Austin's opinion that the present disability was in fact compensable and was in fact related to the 1970 accident at Acme Quality Paints.

Following the receipt of this opinion on 6/22/73, it was our decision that we had no reasonable grounds for withholding any payment on this particular case. Two excellently qualified neurosurgeons had reviewed the records, discussed the case between themselves and had examined and both felt that the condition as it presented itself in 1973, which necessitated the operation performed 6/19/73, were related to the original injury of December 1970. Thus it was some assurance that the condition was in fact related that we began payment on 6/25/73. I can report to you that the period from 5/2 when benefits were ceased to 5/14/73 was not paid as we have no confirming opinion as to disability during this period of time. However, at this time disability benefits have begun on 5/15/73 and continue through the present time.

As of the present time, we do not have any factual information with regard to current condition. remains hospitalized at Harper Hospital and it has been estimated by Dr. Austin total period of hospitalization will be at least 4 weeks. There is a rumor concerning paralysis, either temporary or permanent with regard to the left side of , however nothing firm hs been evaluated with regard to this condition.

The purpose of this letter is to basically inform you along the lines of our original conversation at the plant on 6/25. The case will receive relative to its exposure. At the present time both myself and one of our Rehabilitation Nurses, Virginia Walsh, are handling the case and probably will continue to do so for sometime. At the present time there is no estimate as to the length of disability incurred as a result of this type of surgery. We will report to you as quickly as possible when such a cutoff date appears imminent.

I appreciate the excellent cooperation that has been shown both Virginia and myself by you and Mr. Berrey and we look forward to continued dealings with you on this particular case.

As I indicated in our conversation, we have received a rather serious setback on this particular file, however, I cannot evaluate how serious the setback is until we receive further medical from Dr. Austin. Hopefully this will be arriving shortly so that we might promptly reporting to you and enlisting

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