

at the plant. Stamps v. Century Electric Company. St. Louis Court of Appeals. No. 27652. December 20, 1949. ---CCH

16 Action for Deceit--Silicosis--Exclusive Statutory Remedy.

The Workmen's Compensation Act provides the exclusive remedy for all injuries sustained in the course of employment, except those self-inflicted, so that a second recovery can not be had for silicosis in an action for deceit. Bevis v. Armco Steel Corporation. Ohio Court of Appeals, First Appellate District. No. 961. December 3, 1949. --CCH

17 Date of Disablement from Anthraco-Silicosis--Transfer to Lighter Work--Doctor's Warning of Impending Disablement--Termination of Employment.

Claimant, a miner for most of his life, was transferred in 1945 to a lighter job as "topman" in a position where he continued to be exposed to silica dust. A physician warned him in 1946 that disability from anthraco-silicosis was impending, but he continued to work until July 26, 1947, when, he testified, "I didn't have no more wind to work." There was evidence to support the findings that notice served on September 17, 1947, was given within the ninety-day statutory period, which runs from the date that the employee is disabled and definitely knows that he is disabled by the occupational disease. Tracey v. M. & S. Coal Company, Inc. Pennsylvania Superior Court. No. 2., October Term, 1949. November 15, 1949. --CCH

18 Occupational Dermatitis--Successive Employers--Apportionment of Payment of Award--Total Disability.

Successive employers in the same industry are liable for joint contribution to an award for occupational dermatitis resulting in total disability regardless of whether or not an employer has already paid some compensation to the employee for a less acute condition. The Esmond Mills, Inc. v. American Woolen Company. Rhode Island Supreme Court. No. 1921. October 28, 1949. --CCH

19 Foot Injury--Misguided Treatment of--Permanent v. Temporary Disability.

Where overwhelming medical testimony shows that any incapacity from a minor foot injury was terminated as of a particular day, permanent disability will not be granted an employee whose misguided treatment aggravated the injury. Aucoin v. Employers' Liability Assurance Corporation, Ltd. Louisiana Court of Appeal, First Circuit, November 25, 1949. --CCH

20 Coronary Occlusion--Proof of Compensable Fatal Accident.

The collapse of an employee while cutting out wooden wedges with a power buzz saw due to a coronary occlusion is not compensable when the findings as to causal connection between the accidental injury which arose out of and in the course of the employment and the cause of death are without evidentiary support. Matter of Kristiansen v. McWilliams. N.Y. Supreme Court. Appellate Div. Third Department. September 29, 1949. --CCH