

FILE NAME: Insulators Workers' Comp Claims (IWC)

DATE: 1967

DOC#: IWC063

DOCUMENT DESCRIPTION: Claimant - Horsman, Robert [From J-M Archive]

File Name **Contract Unit Claim File: Robert Horsman Oct. 23/67: Amended Sept. 5/68**

Scanned ? **yes**

Source **JMA: NS-JM**

Start Year **1967**

Stop Year **1967**

Contents **claim**

Notes

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

APPLICANT ROBERT HORSMAN CASE # LA 316509
Asbestos Installer

DATE CLAIM FILED Oct. 23, 1967 Amended Sept. 5, 1968

INJURY ALLEGED Inhaling foreign substances

ALLEGED DATE OF INJURY 1925-1967

EMPLOYER/INSURER Thorpe Insulation Co./Firemen's Fund Ins. et. al.
including J-M Insulation

OTHER NOTES Pulmonary fibrosis secondary to asbestosis

DATE OF RESOLUTION Jan. 22, 1970

RESOLUTION Compromise & Release \$19,000 settlement
apportioned among 18 employers/carriers

DOCUMENTS COPIED 1) Compromise & Release # OF 5 PAGE
2) Application showing original defendants

CLAIMANT

Robert Horsman
California Workers' Compensation Appeals Board

2

CARRIERS INVOLVED:

- The AETNA Casualty & Surety Co.
- oAmerican Automobile Ins. Co.
- oAmerican Employers Ins. Co.
- American Motorists Ins. Co.
- Argonaut Ins. Co.
- oAssociated Indemnity Corp.
- oCalifornia Casualty Indemnity Exchange
- oCalifornia Compensation & Fire Co.
- Casualty Ins. Co. of California
- oEmployers Liability Assurance Corp.Ltd.
- Employers Mutual Liability Ins. Co. of Wisconsin
- oFidelity & Casualty Co. of New York
- Fireman's Fund Ins. Co.
- General Accident, Fire & Life Assurance Corp. Ltd.
- oGlobe Indemnity Co.
- Guarantee 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.
- oMaryland Casualty Co.
- oMichigan Mutual Liability Co.
- Mission 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.
- U.S. Fidelity & Guaranty Co.
- oZenith National Ins. Co.
- oZurich Ins. Co.
- Hartford Accident & Indemnity Co.
- Security Mutual Casualty Co.
- o
- o
- o
- o

1 WORKERS' COMPENSATION APPEALS BOARD

2 STATE OF CALIFORNIA

3 ROBERT J. HORSMAN,

CASE No. 67 LA 316-509

4
5 *Applicant*

6 vs.

C E R T I F I C A T I O

7 THORPE INSULATION COMPANY,
8 et al, FIREMAN'S FUND INSURANCE
COMPANY, et al.

9 *Defendant*

10
11 I hereby certify that the attached documents are true
12 and correct copies of the original documents filed in the record
13 of this office in the above-entitled matter.

14 ATTEST my hand and the Seal of the Workers' Compensation
15 Appeals Board of the State of California.

16
17
18
19 
20 ALFRED C. WILLIAMS
Workers' Compensation Judge
Workers' Compensation Appeals Board

21
22
23
24 Dated at San Francisco,
25 California, this 6 day
26 of April, 1981
27

1 McLAUGHLIN, EVANS, DALBEY & CUMING
2 1717 North Highland Avenue
3 Los Angeles, California 90028
4 466-8541

5 Attorneys for Owens-Corning
6 Fiberglass Corp. and Aetna
7 Casualty & Surety Co.,
8 Defendants

9 WORKMEN'S COMPENSATION APPEALS BOARD
10 STATE OF CALIFORNIA

11 ROBERT J. HORSMAN,
12 SSA: 562-03-2606
13 Applicant

14 vs.

15 MUNDET CORK CORPORATION, et al.
16 Defendants

CASE NO.: 67 LA 316 509

COMPROMISE AND RELEASE

AGREEMENT

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

19 1. Robert J. Horsman, born August 26, 1904, claims he
20 was employed between 1925 and June 28, 1967, at various locations
21 within the State of California as an asbestos installer as a result
22 of which he sustained an injury arising out of and occurring in the
23 course of his employment from inhaling foreign substances, or in-
24 jured self in some other manner, resulting in injury to his lungs
25 and other injuries, symptoms, conditions and complaints set forth
26 in the medical reports on file.

27 2. During the alleged period of employment, the applicant
28 was employed at various times by Coast Insulating Company, The
29 Philip Carey Mfg. Co., Owens-Corning Fiberglass Corporation, Mundet
30 Cork Corporation, Fiberglass Engineering and Supply Company, Procter
31 & Gamble Soap Company, Los Angeles Department of Water and Power,
32 J. W. Thorpe, INC., Insulations, Inc., Marine Engineering Company,
Toscon, Inc., a corporation, successor to California Petroleum Corp.

1 Los Angeles Rubber Company, Los Angeles Cork Company, Plant Ash
2 Company, Coast Insulating Products, Swift Packing Co., Armstrong
3 Cork Company, Metal Clad Insulation Co., Accurate Insulation Co
4 Inc., Shell Oil Company, Johns-Manville Sales Corporation, Arms
5 Contracting and Supply Corporation and various employers set fo
6 in the Application for Adjudication of Claim.

7 (3.) The actual weekly wages of the employee at the tir
8 injury are in dispute.

9 (4.) The employee's present disability is in dispute.

10 (5.) No temporary disability indemnity has been paid to
11 employee.

12 (6.) The parties hereby agree to settle any and all cla
13 on account of said injury by the payment of the sum of \$19,000.
14 said sum, to be payable to the applicant in one lump sum, after
15 deducting of attorney fees and lien claims of record, excepting :
16 lien claim of the Department of Employment and said Dept. of Empl
17 ment lien should be denied since the applicant's condition has be
18 permanent and stationary since June 30, 1967 (Dr. Derry's report
19 of December 8, 1967) and the Department of Employment commenced
20 payments July 5, 1967.

21 (7.) The applicant's medical expense has been self-procu
22 and none has been furnished by the employers or carriers.

23 (8.) At various times the insurance carriers for various
24 employers during the alleged period of injury were:

25	(a) ARGONAUT INS. CO.	1967	CONTRIBUTION
26	(b) CASUALTY INS. CO. OF CALIF.		1,694.00
26	(b) THE TRAVELERS INS. CO.	1966	328.00
27	(c) HARTFORD ACCIDENT & INDEMNITY CO.		1,259.00
27	(d) MISSION INS. CO.		41.00
28	(e) STATE COMPENSATION INS. FUND	1967	91.00
28	(f) UNITED STATES FIDELITY & GUARANTY CO.		1,950.00
29	(g) GUARANTEE INS. CO.		55.00
29	(h) AMERICAN MOTORISTS INS. CO.		701.00
30	(i) SECURITY MUTUAL CAS. CO.		680.00
30	(j) INDUSTRIAL INDEMNITY CO.		118.00
31	(k) FIREMAN'S FUND INS. CO.	1965	144.00
31	(l) GENERAL ACCIDENT FIRE & LIFE ASSUR.		1,780.00
32			275.00

		<u>CONTRIBUTION</u>
1	(m) Pacific Employers Ins. Co. 7/16	\$ 3,009.
2	(n) Employers Mutual Liability Ins.Co.	969.
3	(o) Aetna Casualty & Surety Co. 5/27/72	5,262.
4	(p) Proctor & Gamble Soap Co.,	
5	permissibly self-insured	25.
6	(q) Los Angeles Department of	
7	Water & Power, legally self-insured	620.
8	9. The employee's attorney is Steven Roseman, 1543 West	
9	Olympic Boulevard, Los Angeles, California 90015	
10	10. Attorney requests the fee of \$ 1600.00	
11	Amount of attorney's fee previously paid, if any, \$ <u>None</u>	
12	11. <u>Reason for Compromise:</u> A bona fide dispute exists	
13	as to whether or not the applicant sustained injury which arose	
14	out of and occurred in the course of his employment through ex-	
15	posure to any deleterious substances while working for the named	
16	employers. The nature of the applicant's illness and the extent	
17	of his disability is set forth in the medical reports on file.	
18	There is a dispute as to whether or not any portion of the appli-	
19	cant's disability is due to causes other than industrial exposure.	
20	The applicant has expressed the desire of resolving the litigation	
21	by obtaining a lump sum amount and controlling his own medical	
22	treatment in the future. All parties desire to resolve the dis-	
23	puted issues by this settlement, thereby avoiding protracted delay	
24	and expense of litigation.	
25	12. The undersigned request that this Compromise and	
26	Release Agreement be approved.	
27	13. Upon approval of this Compromise Agreement by the	
28	Workmen's Compensation Appeals Board or a Referee, and payment in	
29	accordance with the provisions hereof, said employee releases and	
30	forever discharges said employer and insurance carrier from all	
31	claims and causes of action, whether now known or ascertained, or	
32	which may hereafter arise or develop as a result of said injury,	
	including any and all liability of said employer and said insurance	

1 carriers and each of them to the dependents, heirs, executors,
2 representatives, administrators or assigns of said employee.
3

4 WITNESS this 22 day of January, 1970, at Los
5 Angeles, California.

6 Robert J. Horsman
7 ROBERT J. HORSMAN, Applicant

8 Steven Roseman
9 STEVEN ROSEMAN, Applicant's atty

10 ARGONAUT INSURANCE COMPANY
11 SECURITY MUTUAL CASUALTY CO.
12 By: HANNA AND BROPHY

13 By Norman Farrell

14 THE TRAVELERS INSURANCE CO.
15 By: PARKER & DALLY

16 By William Maynard

17 CASUALTY INSURANCE CO. OF CALIF.

18 By William Maynard

19 HARTFORD ACCIDENT & INDEMNITY CO

20 By James Woods
21 JAMES WOODS

22 MISSION INSURANCE COMPANY

23 By FW Harrington

24 STATE COMPENSATION INSURANCE FUND

25 By Robert Harrison

26 U. S. FIDELTY & GUARANTY CO.
27 By: HERLIHY, HERLIHY, JONES & NELSON

28 By F. J. Herlihy

29 LOS ANGELES DEPARTMENT OF WATER
30 & POWER

31 By F. J. Herlihy

32 PROCTOR & GAMBLE SOAP CO.
By: HERLIHY, HERLIHY, JONES & NELSON

By F. J. Herlihy

GUARANTEE INSURANCE COMPANY
By: GONZALEZ & DOOLSKER

By: David M. Doolsker
AMERICAN MOTORISTS INSURANCE CO.;
LUMBERMEN'S MUTUAL INSURANCE CO.

By: J. H. Henderson
INDUSTRIAL INDEMNITY COMPANY

By: Gene C. Feyer
FIREMAN'S FUND INSURANCE COMPANY
By: WEINGAND, KENDIG & STOCKWELL

By: E. H. Kendig
GENERAL ACCIDENT FIRE & LIFE
ASSURANCE COMPANY
By: HERB GARABEDIAN

By: Herb Garabedian
PACIFIC EMPLOYERS INSURANCE CO.

By: Frank S. Sorensen
EMPLOYERS MUTUAL LIABILITY INS. CO.

By: Ray B. Cumming
AETNA SURETY & CASUALTY CO.
By: McLAUGHLIN, EVANS, DALBEY & CUMMINS

By: Ray B. Cumming
Ray B. Cumming

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

On this 22 day of January A.D., 1970, before me,
the undersigned, a Notary Public in and for the said County and
State, residing therein, duly commissioned and sworn, personally
appeared ROBERT J. HORSMAN, known to me to be the person whose
name is subscribed to the within Instrument, and acknowledged that
he executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed
my official seal the day and year first above written.

(S-E-A-L)

Ray B. Cumming
Notary Public in and for said
County and State.

DEPARTMENT OF INDUSTRIAL ACCIDENTS
DIVISION OF WORKERS' COMPENSATION
SAN FRANCISCO, CALIFORNIA

Form No. 1
FOR THE YEAR 1967
FOR THE YEAR 1967

CASE NO. 100-10000

Please print legibly and in English
and give full name and address

NAME OF EMPLOYEE: Mr. J. J. J. J.
ADDRESS: 1701 10th Street
San Francisco, California

NAME OF EMPLOYER: Thorpe Insulation Co.
ADDRESS: 2741 S. Yates Avenue
Los Angeles, California

NAME OF INSURANCE COMPANY: Fireman's Fund Insurance Co., a Corp.
ADDRESS: 3223 W. 6th Street
Los Angeles, California

IT IS CLAIMED THAT:

1. The injured employee, born 3/25/1904, while employed as a Asbestos Installer
or 1935 to 6/23/1967 various, by the employer sustained injury arising
of and in the course of employment to Occupational Disease

2. The injury occurred as follows: Inhaling foreign substances
(EXPLAIN WHAT EMPLOYEE WAS DOING AT TIME OF INJURY AND HOW INJURY WAS RECEIVED)

3. Actual earnings at time of injury were: Maximum
(GIVE WEEKLY OR MONTHLY SALARY OR HOURLY RATE AND NUMBER OF HOURS WORKED PER WEEK)

4. The injury caused disability as follows: June 28, 1967 to date
(SPECIFY LAST DAY OFF WORK DUE TO THIS INJURY AND BEGINNING AND ENDING DATES OF ALL PERIODS OF "DUE TO THIS")

5. Compensation was paid NO
(YES) (NO) (TOTAL PAID) (WEEKLY RATE) (DATE OF LAST PAYMENT)

6. Medical treatment was received YES
(YES) (NO) (DATE OF LAST TREATMENT) All treatment was furnished by the employer or insurance
company NO other treatment was provided or paid for by Dr. George H. Berry and Dr. Reginald Smart

Doctors not provided or paid for by employer or insurance company, who treated or examined for this injury are Dr. George H. Berry and Dr. Reginald Smart
(STATE NAMES AND ADDRESSES OF SUCH DOCTORS AND NAMES OF HOSPITALS TO WHICH SUCH DOCTORS WERE REFERRED)

7. Unemployment Insurance or Unemployment Compensation Disability benefits have been received since the date of injury YES
(YES) (NO)

8. Other cases have been filed for industrial injuries by this employee as follows: None
(STATE CASE NUMBER AND DATE OF FILING)

9. The applicant has been advised of the right to file a claim for Temporary Total Disability, Permanent Total Disability, Medical Treatment, Compensation as provided by the Workers' Compensation Act, and for all other appropriate benefits provided by law.
He has been advised of the right to file a claim for Temporary Total Disability, Permanent Total Disability, Medical Treatment, Compensation as provided by the Workers' Compensation Act, and for all other appropriate benefits provided by law.
He has been advised of the right to file a claim for Temporary Total Disability, Permanent Total Disability, Medical Treatment, Compensation as provided by the Workers' Compensation Act, and for all other appropriate benefits provided by law.

INSURANCE AND BONDING	DATE	CARRIER
Orco Insulation Co. 2711 S. Yates Avenue Los Angeles, California	1960, 1961, 11/12/1966 1/2, 3, 4, 1967	Fireman's Fund Insurance Company 3223 W. 6th Street Los Angeles, California
Metalbraid Insulation Co. 21750 S. Western Avenue Torrance, California	April, 1967	Berkford Ins. Group 543 S. Spring Street Los Angeles, California
The Philip Carey Mfg. Co. 532 S. Monterey Pass Rd. Monterey Park, California 91754	June, 1967	General Accident Ins. Co. 3535 W. 6th Street Los Angeles, California
Western Asbestos Co. 240 Valley Drive Pasadena, California, 91005	6/12/65 1/2/66	
Insulations Inc. (sold to) Philip Carey Mfg. Co. 2 S. Monterey Pass Rd. Monterey Park, California	3/4/65 and Feb., 1966	Pacific Employers Ins. Co. 4050 Wilshire Boulevard Los Angeles, California
Owens Corning Fiberglas Corp. P.O. Box 901 Toledo, Ohio	10, 11/1952 11, 12/1953 1-7/1954 1-12/1957 3-12/1957 1958, 1961, 1962, 2, 3, 4, 5, 6/1963 3-12/1964 and 8-10/1966	The Aetna Casualty & Surety Ins. Co., 2404 Wilshire Boulevard Los Angeles, California and Employers Mutuals of Nat 3540 Wilshire Boulevard Los Angeles, California
Los Angeles Cork Co.	12/1964 and 1/2/1965	Fireman's Fund Ins. Co. 3223 W. 6th Street Los Angeles, California
J.T. Thorpe, Inc. 948 E. 2nd Street Los Angeles, California, 90012	1961, 1963 & 1964	American Motorists Ins. 3545 Wilshire Blvd. Los Angeles, California
Armstrong Contracting & Supply 120 N. Lime Street Lancaster, Pa.	1961, 1962, 1963 & 1964	The Travelers Ins. Co. 3600 Wilshire Boulevard Los Angeles, California
Commercial Contracting Corp. 32217 Stephenson Hwy. Madison Heights, Michigan	1962	
The Isotherm Co. 605 Williams Street Bakersfield, California	1962	
Harold Cork Corporation 7101 Carroll Avenue No. Bergen, N.J.	1939, 1950, 1959 & 1961	The Aetna Casualty & Sur Ins. Co. 2404 Wilshire Blvd. Los Angeles, California

COMPANIES & ADDRESSES	DATE	CITY
Construction Metal Works 1134 N. Chico Monte, California	1961	
Plant Asbestos Co. 1510 N. 9th St. Long Beach, Calif.	1961	Industrial Insurance Co. 305 So. Main St. Los Angeles, California
Accurate Insulation Co., Inc. 9923 Kettler St. Los Angeles, California	8/10/1953 11/12/1956 1961	Casualty Ins. Co. of Ca. P.O. Box 3105 Inglewood, California and State Compensation Ins. P.O. Box 2134 Los Angeles, California
Air Conditioning Inc. 7001 Kettner Boulevard San Diego, California	2,3,4/1960	
Coast Insulating Products (no longer in business) 184 Lacy St. Los Angeles, California	12/1954, 1-12/1955 1-12/1956 1959 and 5-10/1960	Argonaut Insurance Co. 443 Shatto Pl. Los Angeles, California and Guarantee Ins. Co. 1671 Wilshire Blvd. Los Angeles, California
Department of Water & Power of the City of Los Angeles 207 S. Broadway Los Angeles, California	8-10/1954	(LEGALLY UNINSURED)
Armstrong Cork Co. 120 W. Line St. Lancaster, California	11,12/1954	The Travelers Ins. Co. 3600 Wilshire Boulevard Los Angeles, Calif.
Down & Root Construction Co. Houston, Texas	1951, 1-4/1952	
Johns Manville Insulation Co. South Carolina (Kas City, Texas Houston, Texas	1942, 1947, 1948 1949, 6-9/1952 1951 1948, 1-3/1950	(Self Insured)
North Brothers Atlanta, Ga.	1940, 1941 & 1950	
Pittsburg, Pa.	6-9/1950	
Denver, Colorado	9-11/1950	
Stern Brothers Denver, Colorado	1949	
Standard Asbestos Houston, Texas	1946, 1947	
Brown Shipyard Houston, Texas	1945	
S. Engineering Co.	1945	

EMPLOYERS & ADDRESSES	DATE	CITY
Warren & Bates Houston, Texas	1942, 1943, 1944 & 1945	
Poe Pipe and Heating Co. North Carolina	1941	
Paulsborough, New Jersey	1939, 1940	
Richmond, Virginia	1940	
Brooks, Fisher Insulation Co. Atlanta, Ga.	1940	
Marine Engineering Co. Los Angeles, California	1938, 1939	Pacific Employers Ins. 4050 Wilshire Boulevard Los Angeles, California
Badger Construction Co. Chita, Kansas	1939	
Plant Rubber & Asbestos Co. San Francisco, California (537 Brannon Street)/ Swift Packing Co. Los Angeles, California	1938 1937	(Self Insured) Security Mutual Cas. Co. c/o Reeves & Hay Adjusters 1139 W. 6th St. Los Angeles, Calif.
Warren & Bailey Insulation Co. Los Angeles, California	1937	State Compensation Ins. P.O. Box 2134 Los Angeles, California
General Petroleum Co. Los Angeles, California	1934, 1935 & 1936	Occidental Indemnity (address unknown)
Los Angeles Rubber Co. Los Angeles, California	1933	State Compensation Ins. P.O. Box 2134 Los Angeles, California and Lumberman's Mutual Ins. 3545 Wilshire Boulevard Los Angeles, California
Proctor and Gamble Soap Co. 1601 West 7th Street Long Beach, California	1931 and 1932	(Self Insured)
Texaco Oil Co., Inc. (main office) 3350 Wilshire Los Angeles, California	1930	California Cas. Indemnity Exchange 417 S. Hill Street Los Angeles, California
Thomas Haverly Plumbing Co. Los Angeles, California (NO WORK IN BUSINESS)	1927, 1928, 1929	
Finance Indicator Co. Los Angeles, California	1925 and 1926	
Oil Oil Co. Santa, California	1926	State Compensation Ins. P.O. Box 2134
D.V. Brock Co. Denver, Colorado	1926	