JOHN B. HOLLISTER
JOHN H. CLIPPINGER
JOHN H. MORE
J. MACK SWIGERT
ROBERT TAFT, JR
DAVID G. GAMBLE
HULSE HAYS, JR

CHARLES SAWYER
JOHN R. BULLOCK
JOHN W. HUDSON
LEONARD A. WEAKLEY
ROBERT T. KEELER
DONALD C. ALEXANDER
MURRAY S. MONROE

WILLIAM V. FINN
SYDNOR I. DAVIS
CHARLES S. MECHEM, JR
NICHOLAS L. WHITE
JAMES R. BRIDGELAND, JR.
FRANK H. STEWART
L. ALFRED OBENSHAIN
DAVID W. MATTHEWS
WILBUR L. COLLINS

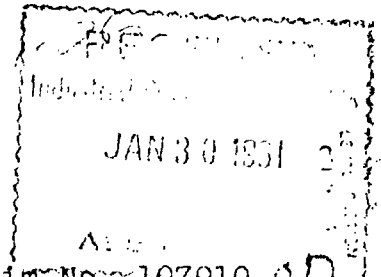
CHARLES D. LINDBERG
ROB J. TAYLOR
DONALD G. ROWLINGS
TERRENCE D. GARRIGAN
ROBERT G. STACHLER
GEORGE G. GRUBB
JOHN M. BULLOCK
JAMES W. HALLORAN

TAFT, STETTINIUS & HOLLISTER
603 DIXIE TERMINAL BUILDING
CINCINNATI 2, OHIO

TELEPHONE
DUNBAR 1-2838

CABLE ADDRESS
"TAFTHOL"

January 24, 1961



Mr. Thomas Brock
Legal Department
Industrial Commission
Columbus, Ohio

Re: Henry N. Hoerst, Claim No. 107910
Philip Carey Manufacturing Company, Employer

Dear Mr. Brock:

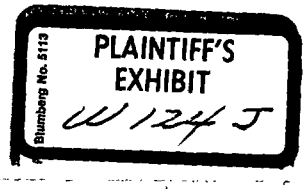
I am transmitting herewith an original and one copy of an Application for Handicapped Reimbursement in the captioned claim.

As you will note from the file in this case, the Administrator, on December 2, 1960, found that the claimant is totally and permanently disabled by reason of asbestosis. The Administrator recognized, however, that the claimant has other disabilities which have been affected by the asbestosis. It is noted that in the claimant's Report of Occupational Disease, he claimed that he was suffering from asbestosis which affected the lungs and the heart and that the symtoms first appeared in 1945. This is borne out by the report of Dr. J. E. Singer, Cincinnati, Ohio, dated June 26, 1945, and I am transmitting herewith two copies of this report.

I am also transmitting herewith two copies of a letter from Dr. R. J. Duffner, Reading, Ohio, dated January 3, 1961, in which Dr. Duffner states that the claimant has a severe cardiac condition which he believes is primarily the result of the strain put on the heart by the chronic lung disease.

It appears from the reports herewith submitted that the claimant's cardiac disease was either the direct or indirect result of his breathing asbestos dust at his place of employment. Despite his cardiac disease, claimant's employer continued him in employment until he quit his job on November 15, 1960. It appears that one of the claimant's major disabilities is cardiac disease, regardless of its cause.

You will also note that the report of the Bureau's specialist, Dr. Scott, dated March 1, 1960, under the heading "Electrocardiogram", reflects a serious cardiac difficulty, although this is not referred to in his opinion. Also, in the report from Dr. Frank Prince, University of Cincinnati, dated August 26, 1959, the comment is made



"It is probably also true that repeated infections have aggravated the pulmonary condition, but there can be no doubt that the exposure to asbestos was adequate and produced a pronounced impairment on an already injured cardiopulmonary system."

In view of this evidence, reflecting that the claimant's disability to a large extent is caused by a cardiac disease, that the claimant was maintained in employment by the employer in this case, and that the employer was carrying out the spirit of Section 4123.343 of the Workmen's Compensation Act, the employer is, I believe, due some relief.

Very truly yours,

L. A. Obenshain

LAO/mr

cc: L. A. Pechstein, Secretary
The Philip Carey Manufacturing Company

cc: John T. Cantlon, President
John T. Cantlon & Associates, Inc.

Industrial
JAN 30 1961

JAMES A. RHODES
GOVERNOR
MICHAEL V. DISALLE
GOVERNOR
JAMES L. YOUNG
ADMINISTRATOR

GEORGE H. THOMPSON
CHIEF DEPUTY ADMINISTRATOR
OF CLAIMS SECTION

STATE OF OHIO
BUREAU OF WORKMEN'S COMPENSATION
CLAIMS SECTION
COLUMBUS 15

WHEN REPLYING PLEASE REFER TO

Dr. J. E. Singer,
468 Doctors Bldg.
Cincinnati 2, OHIO

CLAIM NUMBER OD 107910

Henry Hoerst
5-17-63 mc

Please be advised that your fee bill was not approved as submitted for the reason checked below. It may be that all the factors involved have not been explained and, if so, the approval is subject to revision. The Bureau endeavors to pay a fair average fee in all claims and the fee schedule and rules are used as a basis in approving bills.

(DISREGARD ALL ITEMS NOT CHECKED)

- ☐ Charge for first treatment is in excess of schedule rate.
- ☐ Charge for ☐ office, ☐ house, or ☐ hospital calls in excess of schedule rate.
- ☐ Bill is approved on flat rate basis which includes after care.
- ☐ X-Ray films or ☐ interpretation of same are not on file.
- ☐ This treatment is included in the fee bill of .....
- ☐ Hospital bill is approved at contract rate.
- ☐ The proof on file does not show the necessity for such frequent treatments as shown on your fee bill.
- ☐ Operation, ☐ treatment or ☐ appliance was not authorized.
- ☐ Change of doctors was not authorized.
- ☐ Does not comply with Rule .....
- xxxx☒xx Fee bill of 9-30-61 has been disapproved as unrelated to silicosis.

Bill as submitted $ 15.00

Approved for payment $ NONE

Yours very truly,

James L. Young, Administrator

By:
Deputy Administrator

NOTE: A copy of the fee schedule and rules will be mailed on request.

IN WRITING ALWAYS REFER TO CLAIM NUMBER

Med. 5