

INTER OFFICE MEMO

FILE NUMBER

Redacted

TO:	OFFICE <i>Cleveland</i>	DEPT. <i>Claim</i>	ATTENTION OF <i>W. Wangler</i>
FROM:	OFFICE <i>Oakland</i>	DEPT. <i>"</i>	DATE <i>4/25/73</i>
RE:	Redacted		POLICY NUMBER <i>Steven Williams</i>

Here is copy of 2/2 rept on
case where π died 3/16/73.
we still dont have our doctor's report
No claim has actually been made.

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CLEVELAND, OHIO

OAKLAND CLAIMS
MARCH 27, 1973

OAKLAND CLAIMS
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RE: - SHERWIN WILLIAMS PAINTS,
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JURISDICTION: This is a California corporation. The employee was hired in California to work in California, California workmen's compensation benefits supplied. *APPLY.*

PLANT LOCATION: 1450 Sherwin St. E. Emeryville, Ca

DESCRIPTION OF ACCIDENT: E. 11/12/72. The claimant had lung trouble and congestion along with pulmonary edema. The claimant has treated with Kaiser Hospital for this, and may suspect that this trouble is due to inhalation of toxic fumes on the job.

The claimant works in the lacquer department as a mixer. This is building number 32. I don't have a diagram nor have I taken photographs of the area where the claimant works. This will have to be done.

NOTICE: The employers first notice of this injury along with our first notice was the doctor's first pink report from Kaiser Hospital dated 1/25/73. I believe it was received here in this office on ~~ix~~ 2/1/73. The employer was aware that the claimant was off work and very seriously ill but they had no clue that it was going to be linked with his employment.

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CLAIMANT DATA:

number *He is married and has two children. The claimant was born*
he is 5 feet 11 inches tall and weighs 158 lbs. He is a Black man. He has a high school education from Berkeley. His draft status is 3A which means that he did not enter the service but did not have to because he was married and had dependents. His social security number is *He was employed by Sherwin Williams effective 9/18/67. The claimant worked as a filler from 9/18/67 through 3/6/68 in the paint department. This is dealing with liquids and he fills cans of paints. The aroma or fumes are minimal. He was layed off on 3/7/68 and rehired in the warehouse on 3/12/68 through 3/20/68 when he was layed off again.*

telephone

He was rehired 3/26/68 as a filler in the lacquer department. He was transferred to the paint department as a filler again 4/3/68 and transferred as a filler to the lacquer department on 5/1/68. He was reclassified as a mixer in the lacquer department on 2/1/71. If the claimant in fact has any exposure due to fumes and dust it would be as a mixer. He was steadily employed in the lacquer department as a mixer from 2/1/71.

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*Cal 20
3/28/73*

I have seen the claimant and he makes a good appearance as a witness. He seems to be well spoken and in general would probably be an impressive witness. He was well liked by the coworkers at Sherwin Williams. I don't know what his home life is like, I haven't seen his home. I met his wife she is quite attractive.

He listed his prior employers as follows:

Navy Exchange Alameda, California - cafeteria worker 2/66 - 9/67.
Lawrence Radiation Lab, Berkeley, Ca., janitor 9/65 - 1/66
Cokesbury Bookstore - San Francisco - shipping clerk 8/64 - 12/64
The claimant wages are \$178 per week. He advises he is receiving \$105 per week from state disability since he has been off since 11/13/72. He is also receiving supplemental benefits from his employer which will provide benefits to a maximum of \$2,562. The payments so far is as follows:

12/4 - 12/15 - \$204
12/18 - 12/29 - 286
1/2/73 - 1/12/73 - \$322.20
1/15 - 1/31 - \$322.20

These payments will continue until the maximum is used up. He will receive nine full weeks of pay and nine half week pay less state disability insurance.

The claimant has Kaiser Insurance his number is _____ The employer's records reveal that he was off work for a fractured navicular in 10/69 when he fell off a ladder at home. Otherwise in pre-employment physical and questionnaire was negative. The claimant was a smoker at one time but he quit around 9/72.

His attendance was excellent. He lost only four days in 1971 and one day in 1972 up until 11/13/72.

WAGES AND COMPENSATION RATE: According to form 5020 claimant makes \$4.475 per hour. This is \$178 per week. This would entitle him to \$105 in compensation but we have not paid any compensation. He is presently collecting state disability at the rate of \$105 per week. This is available for 26 weeks.

DEPENDENTS: Our doctor, Thomas Mannel, M. D. has seen the claimant and states he will not be with us much longer. The claimant is married his wife's name is _____ and a son allegedly born 7/18/47 or 48. He has two children _____

ATTORNEY: None.

MEDICAL: The claimant has been treating with Kaiser Hospital 280 MacArthur Blvd. Oakland, California. The only report I have from them is dated 1/25/73. It reports that the claimant was first seen for his condition 11/14/72. He had a productive cough with specks of blood. He states that the inhalation of fumes has made his cough worse. The diagnosis was probable injury secondary to inhalation of noxious fumes or particulate matter. The chest x-rays showed frank pulmonary edema. The

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claimant was hospitalized 11/29/72 through 12/15/72. He was allowed to go home and was placed on a special diet. A couple of weeks later he was hospitalized again. I don't have the exact date. He was then released 2/10/73. He was allowed to go home and was rehospitalized again 3/12/73.

As Kaiser had sent us a report indicating his condition was industrially related we wanted a doctor to examine the patient. I checked with Jack Goshkin our attorney and he suggested that we use James Kieran a pulmonary specialist 2340 Ward Street Berkeley, California. I called his office to see if he would see the patient at Kaiser but he stated he was no longer handling industrial cases.

Jack Goshkin also suggested that we use Thomas Mannell, M. D. 3580 California Street, San Francisco, California telephone ~~am~~ number 346-7484. He stated that this doctor was also a heart specialist who seemed to specialize in conditions caused by toxic materials. He stated that Dr. Mannell is very knowledgeable and makes a tremendous appearance as a witness. I spoke to him and he stated he would be more than happy to see the patient. I contacted Mrs. Finley at Kaiser telephone number 645-5628 in the industrial ~~xxxx~~ claim department. She was most cooperative and stated she would gather all of the records and make them available to our doctor examine the patient on 2/10/73. The treating physician Dr. Joel Stettner wanted to be in on the examination. The doctor did in fact examine the patient on that date but through some mix up all of the records were not available. Kaiser was going to make them available to the doctor but there was a long delay and about 3/1/73 Dr. Mannell's office called me stating there was such a delay and wanted to know what I could do to correct the situation. I in turn called Mrs. Finley and on about 3/8/73 she called me stating the records were ~~not~~ available. I in turn contacted Dr. Mannell and arrangements have been made to see the patient once again with all the records on 3/17/73. The doctor has advised that the patient's condition is critical and he doesn't think the patient should have been released from the hospital on 2/10/73. He wanted a list of all the chemicals the patient came in contact with ~~and~~ He has been provided with this list. Once he has had a chance to review the records ~~themx~~ and analyze the chemicals listed he will want to take a tour of the plant to see what the working ~~&~~ conditions are like. The employer states that this will definitely be arranged but when the plant is in ~~production~~ *production*

As the doctor has not been able to develop his investigation I have no further comments concerning medical.

APPORTIONMENT: I am unable to comment on this caption at this time. The claimant advised me that he was told by his treating physician that his bronchitis and cough was caused by his job and the second hospitalization which is as a result of his pulmonary problem was not related to the employment but was caused by the first hospitalization.

STATEMENT OF CLAIMAN: I received a recorded interview from the claimant in person on 2/9/73.

He reports that he mixes lacquer from dry material and wet material. He has been in this department three years and uses a respirator but it is poor quality ~~ix~~ and isn't much good. He works eight hours and takes two breaks and lunch. He leaves the building for this. He has never had any ill affects from working. He smokes

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less than half a pack of cigarettes per day. He doesn't use any other medication or narcotics. He is hospitalized from bronchitis and sent home. He then developed pulmonary problems which he may have got from the first hospitalization. Apparently it was not related to the respiratory problem, ~~he~~ had no prior respiratory problems. The claimant makes a fair appearance. He seemed to have a little trouble with my questions but he didn't seem drogy at the time of the interview.

WITNESSES: I received a recorded interview from Robert Burke in person on 3/13/73. He is the production manager for Sherwin Williams and has been employed nine years. He was the lacquer superintendent and he knew the claimant when he was there. He states the claimant is required to mix formulas for lacquer by a specified prescription. He drives a jitney. He works in the building with good ventilation eight hours per day but he is in this particular building possibly five to six hours per day. He works a five day week and occasionally works six day a week. Dust masks are provided. He mixes dry material 30 minutes per day at most. The liquid material is not toxic at the level being used. He would ~~we~~ probably observe the claimant at work six times per day. He considered him a reliable employee. He stated that as a filler claimant worked filling packages of liquid paints. There was no dust vapor or exposure. He would have some solvent vapors but they were well within the ~~tower~~ ^{tolerable} limits. He knew of the claimant's hospitalization. Before he was hospitalized the claimant did complain of coughing of blood and the doctor told him to quit smoking. Mr. ~~had~~ also been sick in the past but he didn't know if it was related or not. Redacted

This witness is going to be promoted to plant manager in New Jersey effective 4/1/73. I have been assured that if we need this man as a witness he will be available. Also in the same department of the claimant are Ken Troutwein and a supervisor named Kay. (I forget the man's last name). These two witnesses are ~~available~~ ^{familiar} with the claimant's duties as well as Mr. Burke.

THIRD-PARTY: At this point we don't have any information concerning any third-party. ~~Let's~~ If the man's condition is related to some specific chemical then I doubt there is a third-party here.

LIABILITY: We will need more medical information to develop what our liability is here. It would seem to me that the claimant didn't really work in this department long enough to develop his very serious condition. It is well ventilated and it would seem that the materials he was working with would not be hazardous to his health.

REMARKS AND RECOMMENDATIONS: We will have to follow through with the medical investigation of this through Dr. Mannell.

I think our loss prevention department should do some pollution tests in this building.

Through unofficial sources I learned that the claimant may be a heavy drinker. Although he denied use of narcotics I would like to check any criminal proceedings for use of illegal narcotics or drugs.

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