FILE NAME: Mundet Cork (MCK)

DATE: 1960

DOC#: MCK116

DOCUMENT DESCRIPTION: WC Claim of Dean

Asbestosis Claim

FILE

September 27, 1960

Armstrong Contracting and Supply Corporation
Workmen's Compensation Claim
William Dean

The attached Notice of Hearing was received in this office late in the afternoo of September 26. The hearing was scheduled for 11:00 AM on September 28 at the Workmen's Compensation Board, 50 Park Place, New York City. From the information available on the notice, it was almost impossible to determine whethe the hearing concerned determination of disability under the Workmen's Compensat Law or under the State Disability Benefits Law. The date of the accident shown February 7, 1955, but our records failed to show any accident to a William Dean Payroll reported the employment of a William D. Dean working out of the Atlanta Office in 1947. It seemed improbable that this employee was the one in questio Payroll also reported a W. Dean employed in New York State between June 15 and October 2, 1959. In view of the date of accident, it seemed improbable that th individual could be the one in question. Being unable to identify this acciden in any respect, I called the Workmen's Compensation Board and requested information on it. After identifying myself at least six times, I finally talked to the individual responsible for this particular case. I was advised that Willia Dean died on December 6, 1959 and the date of February 7, 1955 was the data officially designated by the Board as the date for commencement of disability. The deceased died of asbestosis. It was at the hearing held in September, 1959 that the referee directed that Armstrong Cork Company and two others be brought into any further proceedings on the case. Why we did not receive a copy of t directive I do not know. The individual I conferred with at the Board was able to furnish us with the social security number of the deceased, and we were thu able to identify him as being employed by AC&S from June 15 to October 2, 1959. The social security number of the deceased is 097-03-2801. Since the hearing to be held on September 28 involved apportionment to prior employers, it was essential that AC&S be represented.

Payroll furnished us with the dates of employment, gross earnings, and total h worked by contract number for William Dean. These contracts were then identif as to customer, job, and type of work performed. In each instance, the deceas worked as an asbestos worker. One of the contracts, 231955 was excluded from Travelers' Workmen's Compensation Policy since this insurance was provided by customer. The customer, however, placed the insurance with The Travelers so T Travelers is concerned with all four contracts. The employment record of Will Dean is attached.

Since The Travelers was not listed as receiving a copy of the Notice of Hearin I called the New York Office of The Travelers to inquire of they had received official notification. The gentleman I talked to was a Mr. R. Eckberg of the Workmen's Compensation Claims Section, and although he personally did not have access to their file on this claim, he knew that the individual responsible in to appear at the hearing in our behalf. This being the case, he said it was unnecessary to send a copy of the Notice of Hearing or the individual's employ record at this time.

PLAINTIFF EXHIBIT
CCS 5156

William B. Hofferth
Wallace B. Hofferth

EXHIBIT
KN-5

WBH:T

CLAIMANT

STATE OF NEW YORK

WORKMEN'S COMPENSATION BOARD

50 PARK PLACE, NEW YORK 7, N. Y.

0-522373 D1sCtd.
06008650 Cab. Willi[illegible] Dean
05981605 D1sCtd. 2/7/55

IMPORTANT

W. C. B. CASE NO.	DATE OF ACCIDENT
43	3C 342 37 CD
CARRIER CODE	CARRIER CASE NO.

CLAIMANT Mary Dean (FIRST NAME) (LAST NAME)

ADDRESS 61-07 Woodside Avenue
Woodside, N.Y.

EMPLOYER Fortunere Asbestos Co.

ADDRESS 27-16 10th Ave. L.I.C., N.Y.

Lumbermen's Mut. Ins. Co.
342 Madison Ave. N.Y.C.

Spec. Funds Comp Comm.
240 East 42nd St. N.Y.C.

A. Markhoff, Wm.
401 Broadway N.Y.C.

Armstrong Cork Corp.
7101 Tacony Ave.
Bo[illegible]rton, N.J.

Armstrong Cork Co.
295 Fifth Avenue N.Y.C.

Ballch Co.
L.I.C., N.Y.

NOTICE OF HEARING

PLACE: 50 PARK PLACE, NEW YORK, N. Y.

DATE: Sept. 28, 1960

TIME: 11:00 A.M. —PART: 30

CLAIMANT AND CARRIER SHOULD BE PRESENT AT HEARING AND PRODUCE NECESSARY EVIDENCE INDICATED BELOW, OTHERWISE, THE REFEREE MAY CLOSE CASE ON EVIDENCE IN FILE.

Note: Only items indicated by an "X" below apply to this hearing.

PURPOSE OF HEARING

TO HEAR TESTIMONY ON:

- ☐ Period and extent of disability.
- ☐ Accident — Notice to employer. Causal relationship of accident to injury.
- ☐ Rate of compensation.
- ☐ Loss of earnings.
- ☐ Further consideration.
- ☐ DISABILITY CLAIM

TO HAVE CLAIMANT EXAMINED BY STATE PHYSICIAN FOR:

- ☐ Disability.
- ☐ Facial disfigurement.
- ☐ Final Adjustment.
- ☐ Operation or Treatment.

EVIDENCE TO BE PRODUCED

BY CLAIMANT:

- ☐ Latest medical report from own physician.
- ☐ Record of earnings since accident.
- ☐ _____

BY EMPLOYER OR CARRIER:

- ☐ Medical reports.
- ☐ X-Rays.
- ☐ Hospital records _____
- ☐ Payroll of claimant.
- ☐ C-4 (Final medical report).
- ☐ C-11 (Notice of injured person's return to work).
- ☐ C-2 (Employer's first report of injury).
- ☐ Payroll of similar worker.
- ☐ _____

Dated: 9/13/60

C-16a

CLAIMANT BRING THIS NOTICE WITH YOU. READ IMPORTANT INFORMATION ON REVERSE SIDE.

J. E. Senior
Chairman

EXHIBIT KN-5