

CLAIM INVESTIGATION
CONFIDENTIAL

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CASE NO: **C14388-01**
Report Date: **9/28/09**

ACCOUNT NO: **509**
File Reference: **Incident #7325**

REPORT ON:

Harvey, T.
PO Box
Seattle WA 98138
DOB: 8/XX/58

Client: R. Harris
Phone: 206-292-1436
Type: L/S CLAIMANT STATEMENT
Insured: Port of America
Dates of Investigation: 12 – 23 September 2009

STATUS: Final Report

CIRCUMSTANCES: Date of Injury: 9/11/09
Type of Injury: Foot

PREVIOUS FILE: None since our acknowledgment to you dated 12 September 2009

Due to the information obtained, this report will be submitted to you in a narrative format.

On 16 September 2009, a telephone message was left for the claimant in efforts to schedule his statement. A call back was received that afternoon and the claimant's statement was scheduled for Wednesday 23 September 2009 at 8 a.m. at his residence in Kent, Washington.

On 23 September 2009, an individual identified himself as T. Harvey and agreed to render an oral in person recorded statement concerning a right foot injury he states occurred during his employment with Ports America.

T. Harvey
Kent, Washington 98032
253-850-XXXX

DETAILS OF INCIDENT:

Mr. Harvey states that this incident occurred on September 11, 2009 at approximately 3:15 a.m. while he was working at Marine Terminals in Tacoma, Washington. He states he cannot recall what ship he was on but that it was a Hanjin ship. He states that he was climbing from one deck to another in Bay 28 and was opening the hatch above his head and stepping onto the grating next to the hatch when the

injury occurred. He states that in opening hatches that he presses the hatch up against the ship and a latch would catch and hold the hatch open. As he got up and stepped onto the grating on the left side of the hatch he let go of the hatch thinking that it was secured against the ship. The hatch fell and came down and landed across his right foot. He states he was wearing steel-toed boots at the time. He states that there were no witnesses to the incident and that there was some radiation of pain. Julia Bump was his lashing partner on this evening. He states that he stopped work and told Wes Young his lashing foreman about the injury. He put ice on it and he filled out a accident report at this time. He states that the superintendent was also informed and the superintendent took pictures and a brief statement from him.

The claimant states he had a prior right ankle injury in 1996 or 1997 when he was a casual. He states that the claim was controverted and that he had to have an attorney at that time. He said there were no breaks of any bones but cannot recall what the injury actually was.

He sought treatment through Swedish in Issaquah, Washington upon leaving work. The claimant states that this will take approximately four to six weeks for the pain to dissipate according to the medical staff at Swedish. The claimant has not missed any work as a result of this incident.

EMPLOYMENT HISTORY:

The claimant states that he has been a stevedore for local 19 I LW since 1992 and that he was registered in 2003. He states he performs the duties of a longshoreman and performs lashing, de-lashing and tries to get foreman positions when they are available. He normally works on grates and on decking of ships. He states that he works at various locations through the union and states that his pay is over \$33 per hour. He has no particular schedule and works seven days a week and received no bonus or commission paid. If he works past a certain time on the shift that he does receive some overtime pay, but not on a regular basis.

The claimant denies any other outside employment, source of income, home based employment or volunteer work.

The claimant states that he has had prior injuries while working as a longshoreman. He had a broken finger in the past that was a time loss claim, two prior back strains, one elbow strain and the prior ankle injury which was controverted approximately 10 years ago. He cannot recall details of any of these incidences and states that the information can be obtained through the Department of Labor. The claimant states that he is completely recovered from the prior ankle injury from 10 years ago and does not have recurrent pain or discomfort from that. He denies any service in the armed forces.

The claimant states that he had various employment prior to being a longshoreman and states that he could not recall his prior employers.

MEDICAL HISTORY:

As noted earlier the claimant states that he sought medical treatment on September 11, 2009 at the

Swedish emergency room in Issaquah, Washington at approximate 4 a.m. He states that they took x-rays and put ice on his foot. He was prescribed Tylenol and Naproxen and a narcotic, which he states he will not take. He states will not take it as he has to take care of his children and is also working. He was referred to his family doctor after his ER visit at Swedish and was told that it would take four to six weeks for the pain to dissipate in his foot. He does not know if any further medical treatment is anticipated this time.

The claimant states his health insurance is provided through First Choice. His family doctor is Dr. Bauche in Kent, Washington at Multi-Care for the past five years. He has had prior family physicians before this but cannot recall their names. He states he last had a physical two years ago for the PMA.

He is currently taking Naproxen and is not taking anything else at this time. The claimant describes his health as excellent.

PAST MEDICAL HISTORY:

The claimant denies he's been seen for any chronic medical conditions in the past. He has not been treated for stress or a mental condition. He denies any prior treatment at emergency rooms, clinics or medical centers other than already discussed herein. He states he cannot recall prior treatments. He states that he was involved in motor vehicle accidents in the past and maybe received whiplash but nothing that required hospitalization. He cannot provide further information than that. The claimant has had prior chiropractic treatment and can get up to 40 visits per year paid for by his insurance and does take advantage of that option. Although, he states he cannot recall the name of any chiropractors he treats with and goes to various chiropractors. The claimant is left-handed.

HOBBIES AND RECREATIONAL ACTIVITIES:

The claimant states that he's not involved in any particular recreational activities on an ongoing basis as he generally takes care of his two children. He states that he may occasionally bowl and does a workout each day but that is it. The claimant would not elaborate.

The claimant denies having any pain or discomfort or ever been injured while performing any of his hobbies or recreational activities in the past.

SOCIAL FACTORS:

T. Harvey, DOB 8/XX/1958, SSN XXX-XX-XXXX, currently resides at Blank, Kent, Washington 98032. He has a home telephone number of 253-850-XXXX. He stands 5 foot 8 1/2 inches tall, weighing 177 pounds. He has not used any other names in his lifetime and is currently divorced and not married. He supports two dependents, M. Harvey, 6 months and I. Harvey 9 years old. He has resided in the state of Washington for the past 20 plus years and has a high school diploma and some college in general study courses. He took an Able Seamanship class at the Maritime Academy and has a Z card as a merchant marine.

This now concludes our handling at this time. Should you desire further handling, please so advise.

ATTACHMENTS

1. Signed Medical Release

EXHIBIT

1. Audio recording the claimant statement, (14388-01.mp3) obtained by the undersigned on 23 September 2009; archived unattached.

B. K. McDonald
Investigator

BKM:kjm
C14388-01/bkm