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TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: MINUTES

CITY DEPARTMENT: ADMINISTRATIVE SERVICES

YEAR: 1943

**CITY OF GRAND JUNCTION
COLORADO**

OFFICE OF CITY TREASURER

Firemen's Pension Meeting,
June 18, 1943

Subject: Joe Cerney hearing on Disability--See details of said meeting
which is attached.

Firemen's Pension Meeting,
June 24, 1943

Members Present: Bruce Brownson, Helen C. Tomlinson, Charles Downing,
Francis I. Stringer, and John Banks (City Attorney.

Subject: Discussion of Joe Cerney disability.

Motion made by Charles Downing that said hearing of Joe Cerney be
continued until such a time as the Firemen's Pension Board may deem
it necessary to act upon it again. Motion seconded by Francis I. String
er. Motion Carried.

Meeting adjourned 10:30 Am.

Firemen's Pension Board,
City of Grand Junction,

By Francis I. Stringer
Sec'y -- Treas.

Meeting of the Board of Trustees of the Firemen's Pension Fund held at the City Hall, Grand Junction, Colorado at 10 A. M., June 16, 1943, to reopen the findings made on June 24, 1940 concerning disability payments made to Joe Cerney.

Present:

Board of Trustees: Bruce Brownson, Helen Tomlinson,
Charles Downing, Francis Stringer

John Banks, City Attorney

Joe Cerney

Cecil S. Haynie, Attorney for Mr. Cerney

It was moved by Mr. Haynie that the hearing regarding the disability of Mr. Cerney be dismissed for the reason that the Board of Trustees had previously held that his disability suffered while acting as a fireman in the Grand Junction Fire Department was of a permanent nature, and that Sec. 477, Chapt. 163, '35 C.S.A., under which this hearing is called, does not provide for a rehearing when an employee of the Fire Department has been injured and his injury has been determined to be of a permanent nature.

Motion was denied.

Mr. Joe Cerney, being duly sworn upon his oath, testified as follows in answer to the questions of Mr. Banks:

Q: Were you injured on February 2, 1940?

A: Yes, in February 1940.

Q: Was your injury a wrenched back?

A: Sometime before that I fell off a roof and telescoped my back.

Q: What was this injury in 1940?

A: I was carrying an inhalator to rescue a child. I slipped and fell back and felt a little pain in my back. Came back to the Fire House and sat down but could not get up off the chair.

Q: This was due to injury in your back?

A: Yes.

Q: Were you allowed compensation until July 1, 1940 by the Compensation Commission?

A: Yes.

Q: Have you received any compensation since then through the Compensation Commission?

A: No.

Q: Are you employed at the present time?

A: Yes.

Q: Where?

A: Hill Field, Utah.

Q: What is your position?

A: Fireman.

Q: State what type of fireman you are there.

A: Plug Man.

Q: What are your duties?

A: I am supposed to hook the hose on to the hydrant and turn the water on and sit there until they tell me to shut the water off.

Q: Do you go out on fire calls?

A: Yes.

Q: How many men are on the fire truck?

A: Twelve men on a truck. Thirty-two men on one shift.

Q: When did you start work there?

A: I left here right after Thanksgiving of 1942.

Q: You started to work at Hill Field within a few days thereafter?

A: Yes.

Q: On these fire calls you are only supposed to go out with the truck and attach the hose to the fire plug and sit there until the fire is out?

A: Yes.

Q: At the time you were employed there did you take a physical examination?

A: I took an eye examination, but I don't know whether I took a physical examination or not. They asked me several questions.

Q: Did you tell them that you were able to do only certain duties?

A: Told them I was on pension and had 5% disability. Told them the truth.

Q: That 5% disability that the Commission said you had, was that a former injury in 1935?

A: That was an injury in 1935.

Q: Were you given compensation then for your 5% disability?

A: Yes.

Q: What kind of disability was it? Lump sum or monthly payments?

A: I was supposed to put back in the fund a certain amount and the balance was mine. I put \$900 back in the fund. Got \$300 and that was for doctor bills.

Q: Are you still getting payments on this 5% disability?

A: No.

Q: Did you apply for this particular job as plug man?

A: No. Told them I could do no ladder climbing. I could have held the job of inspector and putting up fire extinguishers, but that required a lot of walking and riding around in a pickup, so I thought I would go ahead and take plug man's job, and that is easier than fighting fires.

Q: What is your rate of salary?

A: \$155.00 per month.

Q: Do you have any present pain in your back.

A: Yes, I have one right now. As soon as I get through here I am going to have a treatment.

Q: Are you taking any treatments at Hill Field?

A: Before I came from Hill Field, I went to a nerve doctor. He didn't do me any good so I went to an osteopath.

Q: Was that time you spoke of when you went to the doctor before coming here the only time you went to a doctor?

A: No. Whenever I feel myself slipping I go to a doctor.

Q: How often?

A: Approximately every 2 months.

Q: Does the pain you have interfere with your present work any?

A: No, because we do a lot of sitting around. We have 24 hours on and 24 hours off the same as here, and if I feel a pain in my back, I go down to Salt Lake or Ogden and go to a doctor on my day off.

Q: Is your work there similar to work done here?

A: No.

Q: Do they have a plug man on the Fire Department here?

A: Yes, but this department is a lot different. The plug man has to hook the hose on while the truck is going 15 miles an hour and then he goes on to the fire.

Q: You could work here as plug man if they would stop the truck?

A: I will work here if they will stop the truck to hook on the hose, but they need water right away so they have to hook it on while the truck is going.

Q: If the fire department here in Grand Junction would stop at the plug, then you could hold the job as plug man and ride out and hook the hose to the hydrant and stay at the hydrant?

A: Yes.

Mr. Haynie--Did I understand you Chief that the plug man does not stay at the plug or come back to the fire house but goes on to the fire?

Chief--Yes, that is correct.

Q: Would you be willing to return to Grand Junction and work with the Fire Department if they either had or would create a job where you didn't have to climb on ladders.

A: Yes, if I could be put in here as an operator.

Q: What does an operator do?

A: He sits in the office and takes calls. Over there a man sits at a desk all the time and takes calls on the switch board.

Q: The operator does not leave the building?

A: No.

Q: At the time you started to work at Hill Field did you just tell them you had a 5% disability?

A: They had a Civil Service Questionnaire you had to fill out, and I put down disability caused from back injury and received 5% disability. When I came back there was an "X" there and asked what disability that was, and I stated from the City of Grand Junction.

Q: Was there any place in the questionnaire which asked you if you could do general duty as fireman, or did you limit yourself to your particular job?

A: It was an occupational questionnaire.

Q: When you first went there did you work on the nozzle?

A: No, as operator.

Q: Have you ever worked there on any other jobs besides operator and fire plug man?

A: Yes, I worked on crash house. It is a chemical outfit. You just stand by for crash landings when a plane comes in with a stuck gear. If any made a crash landing I was to call the truck.

Q: When they have a crash landing you are ready to put out any fire?

A: It is just a crash outfit.

Q: Do they have a truck?

A: They have 2 trucks, and I phoned headquarters and stood by.

Q: If they had a crash landing you would go out to the crash?

A: Yes.

Q: How many men worked there?

A: 14 on each truck.

Q: What was your particular duty then if there had been a crash?

A: To direct the men and tell them how to go ahead with the work.

Q: What was your title?

A: We had Captains and Lieutenants there, but they just told me to tell them what to do.

Q: What is your present age?

A: 47 years old.

Q: How long had you worked for the Grand Junction Fire Department?

A: I was on the volunteer department since 1923, and in 1926 I was put on as a regular fireman.

Q: In 1940 at the time of your injury was compensation received from the Workman's Compensation Commission Insurance Fund?

A: Yes.

Q: At the time that was discontinued was there a signed statement by the Commission that you were able to return to work?

A: Yes. I have been wearing a belt.

Mr. Haynie--I don't think Mr. Cerney is familiar with Workman's Compensation and believe that there were records here on that.

Motion was made by Mr. Banks that records of Workman's Compensation Commission be made a part of this record, which motion was agreed to by Mr. Haynie, and granted by the board.

Mr. Banks--I would suggest that while Mr. Cerney is here we have some doctor examine him. Dr. Munro has examined him before.

Examination of Mr. Cerney by Mr. Haynie:

Q: Have you ever had a reoccurrence of the injury similar to the one in February 1940 since that time?

A: When I feel myself slipping I go to a doctor. I have a severe pain in my back now, and if I let this go I will be down in bed before I get home, but I am going to see Doctor Reynolds before I go home.

Q: You stated that your classification over there was of fireman, and you are receiving the regular wages as a fireman?

A: I am a trainer over there. I am putting a fireman out of a job. A lot of fellows go over there who don't know how to go about fighting a fire, and I tell them what to do.

Q: Does the department have regular drills and a fire tower?

A: They have no fire tower, but they do have drills, but I have never been out on drills.

Q: Are the other firemen there Civil Service employees?

A: All are under Civil Service.

Q: Have you had any further injury since 1940.

A: No. When I feel my back aching I go down to get treated.

Q: Before you went over there you made full disclosures of your previous injuries to the officials at Hill Field?

A: Yes.

Q: Is it not true that a Lieutenant from Hill Field examined you here in Grand Junction?

A: No.

Q: Where was it he questioned you?

A: Grand Junction.

Q: You told him of your injuries, and what you could and could not do, and he hired you?

A: Yes.

Q: Do you understand that they hired you because of your experience?

A: Yes.

Q: Is it not true that most of the others employed as firemen at Hill Field are inexperienced at fire fighting?

A: Yes.

Q: You have never been required or asked by the officials at Hill Field to do regular fireman's work?

A: No.

Q: And the reason for that is your previous injury?

A: Yes.

Q: Now let us get a little history in the record of your injuries in 1934 or 1935.

A: In March 1935 I had a wrenched back.

Q: At that time your injury occurred by your falling off a building, and the injury resulting from your fall was telescoping of the spine?

A: Yes.

Q: How long were you off duty from the fire department as a result of the injury?

A: I worked at some other City work and eventually went back to the Fire Department.

Q: You received compensation in February 1940 and have not worked on the Fire Department since that time?

A: No.

Q: In your present condition do you have pain from this old back injury?

A: Yes, sometimes.

Q: Are you careful how you handle yourself physically?

A: Yes.

Q: Have you at any time since this injury done regular physical work?

A: No.

Q: You have not accepted any employment which would cause you heavy employment?

A: I drove a taxi here in Grand Junction for a time but had to quit that.

Q: Do you frequently go to a doctor?

A: Yes.

Q: In your opinion at the present time, could you assume your normal activities and your regular duties as a fireman in Grand Junction?

A: I could act as a fireman, but I don't think I will be one. Especially if I got up on a roof with a hose maybe 2 of us would fall off.

Q: When you have a pain in your back suppose you tell us just what the reaction is?

A: My leg won't hold my weight, and I will have to rub my leg. When I sit down it will get stiff and requires treatment.

Q: When this pain comes on, and your leg won't carry your weight, could you rescue someone?

A: No.

Re-examination by Mr. Banks:

Q: Have you been to any fires on that truck at Hill Field?

A: I am fire plug man.

Q: After going to a fire and attaching the hose and turning the water on, you just sit at the plug--you don't go tell the men how to fight the fire?

A: The Captain will come to me and ask me questions, but I tell him to go ahead the best way he can.

Q: What is the name of the Lieutenant, who first questioned you in Grand Junction?

A: Lieutenant Havilin.

Q: Is he still at Hill Field?

A: No.

Q: Who is commanding officer or head of the fire fighting department?

A: Chief Jensen.

Q: Is he a Civil employee under Civil Service?

A: Yes, he is under Civil Service.

I can transfer to be an airplane mechanic. I don't have to work on the Fire Department as they need men everywhere.

Q: When do you have to be back to work?

A: June 19, 1943.

Q: Would it be satisfactory to you to have a doctor's examination by Dr. Munro?

A: Yes.

Mr. Banks--I suggest that the doctor who makes the examination submit a full report of the examination in writing to the board.

Mr. Haynie was given an opportunity to present any further evidence on behalf of Mr. Cerney. None being offered, the board took the matter under advisement pending receipt of a report of the doctor's examination.

Lois Wynne
Stenographer