



## 1995 ASSEMBLY BILL 20

January 13, 1995 - Introduced by Representatives COGGS, L. YOUNG and MORRIS-TATUM, cosponsored by Senator GEORGE. Referred to Joint committee on Finance.

- 1 **AN ACT relating to:** the expenditure of \$750,000 from the general fund for  
2 payment of a claim against the state made by Gabriel Ware, Jr.

---

### *Analysis by the Legislative Reference Bureau*

This bill directs expenditure of \$750,000 from the general fund in payment of a claim made by Gabriel Ware, Jr., against the department of industry, labor and human relations. The claimant claimed permanent disability compensation under the worker's compensation law on the basis of an injury that he suffered at the Schlitz Brewing Company brewery in the city of Milwaukee on June 30, 1970. At a hearing on the claimant's claim on March 8, 1976, the hearing examiner of the department admitted into evidence and was shown a film which purported to show that the claimant engaged in physical activities inconsistent with his claimed injury. On March 26, 1976, the examiner denied the claimant's claim. The claimant contends that the film showed an individual other than himself. He requested a copy of the film from the department. On July 27, 1978, the claimant received a copy of a film from the department which the claimant contends was a different film than the one shown at the hearing. The department was unable to supply another film. The claimant contends that, due to loss or destruction of the March 8, 1976, film, he is unable to illustrate any discrepancy between the film and the findings of fact upon which the examiner's decision was based. The claimant claimed \$750,000, which is the claimant's estimated value of his damages. On August 24, 1987, the claims board awarded \$1,000 to the claimant pursuant to its authority under s. 16.007 (6) (a), stats., on the basis of equitable principles. The claimant declined to accept this award. See 1987 *Senate Journal*, p. 341.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

