

Mesothelioma sufferer receives six figure compensation award fights on against illness

Mrs S was diagnosed with mesothelioma in March 2009, following investigations for pain in her chest and shoulder. The diagnosis came as a devastating blow to her and her family. She was aware that there was no cure for the asbestos related cancer, but was determined to fight her illness every step of the way and make the most of whatever time she had left with her husband, daughters, grandchildren and close family. She underwent various tests to confirm the diagnosis and chemotherapy to reduce the size of the tumour.

Once the initial shock of the diagnosis had passed, she instructed John Pickering and Partners to pursue a claim for compensation on her behalf. Her doctor confirmed that her illness was caused by asbestos. She wanted her claim resolved during her lifetime so that she would benefit from any compensation she received. She wanted to be able to use the money for things such as professional care when it became too much for her husband and children but also to provide security for her family when she was no longer with them.

Mrs S had only ever worked in offices. She never worked with asbestos herself. She had only ever worked for two employers, both of whom exposed her to asbestos. She was employed by Turner Brothers Asbestos/J W Roberts at Hindley Green from 1963 until October 1970. She was then employed by the Department for Work and Pensions (DWP) from May 1971 until she was diagnosed with mesothelioma in 2009, with only a short period away from the DWP when her daughters were born.

Mrs S's first employer was part of the Turner and Newalls Group which went into administration in 2001 and subsequently set up a scheme to compensate its victims. Unfortunately, this scheme does not pay claims in full. If Mrs S's claim had been pursued against them, she would not have received full compensation.

Mrs S's claim was pursued against the DWP. She was exposed to asbestos by them, when working in their Unemployment and Benefits Office on Railway Road in Leigh in the late 1970's and early 1980's.

Whilst employed at this office, a programme of building works were carried out including alteration work to the heating system, the ceilings and the floors. Pipes were removed which were lagged with asbestos. Mrs S carried on working in the area whilst this work was done and no precautions were taken either by the DWP or the contractors carrying out the work. Some years later, Mrs S was given a letter from the DWP to say asbestos had been found in the building where she worked.

A court action was started on Mrs S's behalf to resolve her claim as quickly as possible. The DWP, who were represented by Field Fisher Waterhouse Solicitors, said that either Mrs S was not exposed to asbestos by them or that her exposure was so small that it could not have put her at risk of developing mesothelioma.

Expert engineers were asked to say how significant Mrs S's exposure was with each of her employers. The engineer instructed for Mrs S thought that her exposure with the DWP was small compared with her exposure at Turners. He thought it was 8% of her total exposure. He left it for the doctor to say if this was enough to have caused or contributed to the risk of Mrs S developing mesothelioma. The DWP's expert thought that Mrs S's exposure with The DWP was significantly less than with Turners, but he could not say that it was so small as to not be relevant.

Mrs S's medical expert believed that her exposure with Turners and with the DWP both contributed to the risk that she would develop her devastating illness.

Despite this evidence, the DWP and their solicitors did not concede that they had contributed to the risk that Mrs S would develop mesothelioma. A judge looked at all the evidence including Mrs S's statement, the medical report and the engineers' evidence and decided that the DWP should not be allowed to defend the claim.

At the time of her diagnosis, Mrs S was still working. She was only 62 and had intended to work until 65 when she and her husband could retire together. She has now had to give up work.

Mrs S was also the main carer for her elderly mother and aunt who are twins aged 87 years. She did their cleaning and shopping and provided other care to them. She called to see them each day. Her illness has prevented her from doing this. It has also caused her distress and worry about who will do this in the future. We successfully claimed that she was entitled to be compensated for this loss. Mrs S has now been able to use some of her compensation to employ a cleaner to help both her mother and her aunt.

Mrs S continues to fight her illness, and continues to take each day as it comes and to make the most of whatever time she has with her husband, children and grandchildren. She has now had her compensation which will enable her to enjoy the rest of her life.

Despite all the DWP's arguments, we were able to obtain compensation for Mrs S in under 6 months.

Helen Wilson solicitor in our Manchester office said of the case:

'I am pleased that we were able to obtain compensation for Mrs S so quickly despite the arguments put forward by the DWP. She has been able to employ a cleaner for both her mother and her aunt with some of her compensation, I know this is a great relief to her.'

Further information:

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About John Pickering and Partners LLP

John Pickering and Partners LLP- Specialist [mesothelioma compensation](#) solicitors

We are a specialist personal injury law firm. We have been handling claims for industrial disease for over 30 years. Most of our work involves acting for asbestos disease victims. We only act for the sufferers of asbestos diseases and never act for the organisations that caused the asbestos exposure or their insurers. We have an ethical approach and pledge to donate 10% of our net profits every year to good causes that help asbestos sufferers.

[Click here](#) to find out about our donations to good causes. We have also been involved in most of the landmark judgments that shape this area of law. Find out more [about us](#) or find out about [our reported cases](#). We are on the panels of several asbestos support groups and are ranked highly by legal guides. [Click here](#) to find out more about what others have said about us.

[John Pickering and Partners LLP](#) is a niche legal practice that has represented Claimants in the leading asbestos "test cases" in the last ten years. The firm represented Sylvia Barker in *Barker v Corus (UK) Plc*, a case that highlighted the legal tactics of employers and insurers trying to cut back their compensation liabilities to mesothelioma sufferers, and which prompted the amendment of the Compensation Act 2006 to ensure full compensation for mesothelioma claims. The firm represented two of the three Claimants in the *Fairchild appeal*, in which the insurance industry tried unsuccessfully to block compensation altogether for mesothelioma sufferers unable to identify which of two or more sources of asbestos exposure had caused their illness.

The firm represented Alice Jefferson, a mesothelioma sufferer, whose illness and compensation claim against Cape Asbestos were featured in the important documentary "*Alice: A Fight For Life*." Shown by Yorkshire Television in July 1982, the programme was an important catalyst for legal change and public awareness of the plight of mesothelioma and other asbestos disease sufferers and a prompt for important legal reform.

Mesothelioma is a type of cancer that affects the lining of certain bodily organs. It most commonly affects the lining of the lungs (the pleura) but it can affect other areas including organs in the abdominal cavity (the peritoneum).

According to the [British Lung Foundation](#), more than 2,000 people are diagnosed with mesothelioma every year in the UK and there is one mesothelioma death every five hours. The number of deaths from mesothelioma increased from 153 in 1968 to 1,969 in 2004 and is expected to peak at 2,450 between 2011 and 2015.

The [British Lung Foundation](#), supported by John Pickering and Partners LLP, launched the first Action Mesothelioma Day on 27th February 2006, to raise awareness about mesothelioma, to improve the treatment and care of mesothelioma patients, and to lobby for better funding for research into mesothelioma and for the protection and education of people who work with asbestos.

If you need advice about an asbestos related illness, [contact us](#) now for information about making a claim for compensation.

[Contact us](#) to find out more about your entitlement to claim compensation if you have been diagnosed with mesothelioma or another asbestos related condition.