

Improper Welding Causes Back Blast and Death of Worker

In 1993, the City of Minneola, Fla., experienced an increased demand for water. Minneola officials therefore contracted with Miller Engineering and Sunshine Building and Development to design and build a “booster station,” and to maintain an existing 3,500 gallon water tank. The project was eventually completed and the system worked adequately for some time.

On March 2, 1995, Michael Gilliam, who was employed by the City, was called upon to change a seal on the tank. The water was turned off for repairs. When the repairs were completed and the water turned back on, the tank exploded and catapulted approximately 40 feet into the air. The back blast from the explosion killed Mr. Gilliam, who was standing nearby.

After the tragedy, an investigation revealed that, in 1976, Meredith Corporation was hired to provide service on this same tank. A contractor was directed to sandblast and paint the tank. The contractor cut a hole in the tank, cleaned the interior, and then welded the hole closed with a single exterior weld. The standard of care in welding pressurized vessels calls for welding both the interior and exterior for complete penetration. On March 2, 1995, the weld gave way under pressure. Clearly, the negligent welding technique and the negligence of the design

engineer and construction company who approved the use of this tank were factors leading to this tragedy.

After the welding job was completed, Miller Engineering and Sunshine Building and Development were led to believe by a City water supervisor that this tank had been tested by a local lab. However, it was discovered that the City had not performed this important test which would have disclosed the defective weld. In other words, a great portion of responsibility for this tragedy rested with the City due to false information given by the supervisor.

Under Florida law, an employee cannot make a claim against his/her employer, except for those benefits available under workers' compensation. Clearly, the overwhelming negligence of the City was the cause of Mr. Gilliam's death. Yet, under Florida law, the City could not be sued. In fact, during the process of litigation it was stated that the behavior of the City was tantamount to manslaughter. However, the City employees and the City itself could not be sued by the plaintiff's estate due to the immunity afforded under the Workers' Compensation Act.

Attorneys Earl Denney and Karen Terry worked on this case for several years. They were ultimately able to make a recovery in the amount of \$600,000 for Mr. Gilliam's widow, Venieca, and her three minor children. Given the fact the City was immune to liability, this is a significant recovery for the Gilliam family. ■



Water tank which exploded on March 2, 1995, killing Michael Gilliam.