

October 21, 2015

Michael R. Kittle, 29
~ 8/28/1984 - 2/28/2014 ~
Wieser Concrete in Portage, Wisconsin

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USMWF - Family Members

Per Andy Warhol, “Everyone has their 15 minutes of fame”, I never expected my son’s to be like this!! You may have seen the news on December 23, 2014 about Wieser Concrete in Portage, Wisconsin contesting their fines from OSHA. My son Mike Kittle, was the employee that was killed in this horrific workplace fatality. The picture below is my Granddaughter Aubrie, spending a few moments with Daddy on Christmas, December 24, 2014.



Parents spending countless hours grieving the loss of a child, and then trying to figure out how all of this works. Everyone telling you to sue the company for negligence. Spending hours looking up state statutes and laws. Contacting attorney after attorney, trying to find some type of recourse! No family should have to burying their loved one because of negligence of some company. The questions running through your mind are uncontrollable! The feeling of losing your mind, because you just can't seem to come to grips with this loss. Seeking counseling, as you are just beside yourself on how to even go on!

According to the citation report released from OSHA, the employer was negligent in their actions. I was also told that the accident was completely avoidable and the proper equipment was onsite that would have prevented this accident. I was also told that a "simple calculation" could have prevented this accident. Now, I have been informed that the company is contesting the citations. How is this that a company can appeal a fine for negligence? It is a measly \$21,000! Is that all my son's life was worth? I think not!!

He would have been 31 years old this past August 28th. We celebrated a young man's birthday without him. I feel that the company should be held responsible for their actions, and should also be obligated to assist with the support of this child until she reaches 18. Her mother has been working part-time and attempting to go to school, so she is not at her full earning capacity yet. They have already had to move into a less expensive housing option, as they were not able to pay the rent due to loss of income. If someone is at your home, and gets hurt, are you not liable? Do you not have a chance of losing everything you have ever worked for? Why are companies allowed to continue business as usual?

I can completely understand wanting a law to eliminate "sue happy" people. But here sits a 2 year old girl(at the time of this fatality), who not only lost a father, but has also lost his financial support. Why is my granddaughter going to suffer, because of the negligence of her daddy's employer? Doing another "simple calculation", I come up with a loss of income potential of \$848,000+ over the next 16 years of her life. So again, doing a "simple calculation", \$848,000 - \$267,264 (SS) = \$580,736 - \$254,050 (WC) = \$326.686 completely lost income over the next 16

years due to negligence, This is \$20,417.88 a year that this child and her mother have lost. Why is Wieser Concrete not responsible for this? I understand not wanting businesses to leave WI, but I do believe children should not have to pay for their errors. Aubrie's Workman's Comp fund is put away until she is 18, I completely agree with this. However, I do think a child should have the remaining lost wages paid yearly to help make up for the devastating loss.

How is this justice? Is this going to happen to someone else's child, father, brother, etc.? What precautions are in place to save another family the grief and loss of their loved one?. I went back through his Facebook account and found a post from May of 2013 stating that "someone upstairs was looking out for me. A form broke loose and almost hit me! Oh my, this happened almost a year before his fatality! Did they do anything to stop this from happening again? I guess not! It happened again on February 28, 2014, and Mike was killed!

I also do not understand this "next of kin" ruling we have in WI. As Michael's parents, we have no say in what happens? Excuse me? His daughter is 2, his fiancée is 26, and completely devastated. As his parents, we should have some right to step in and look out for our granddaughter's best interests and make sure things are taken care of properly. We also should have some say in how things are handled. Instead, we are lucky if we are informed anything!!! This was our only son, and now he is gone forever.

This is the last letter I ever expected to be sending out to my legislature. A parent should never have to bury their child, especially for the negligence that has been shown by the employer. Not all of the money in the world will ever replace Mike. However, I do believe there should be

justice and accountability for negligence. I am hoping that you can assist me in getting these things changed. I do not want to see another family in Wisconsin, or any other state have to go through what we have gone through.

Here is Mike with his “Punkin”. For the first 6 months, she would not allow any of us to call her that, as that was Daddy’s name for her. Can you even imagine what goes through the mind of this little girl? The conversations that we have are just heartbreaking! What do you tell a little girl when she says, “Gramma, I am going to go see my Daddy in Heaven, cause I miss him so much!”?

This is Mike with his Punkin!



Daddy and Punkin

Sincerely,
Mike Kittle’s Mother
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