

INCONSISTENCY ANALYSIS REPORT

Delgado v. Atlantic Maritime Shipyard, Inc., et al.

Case No. 2024-CV-04892

PREPARED BY: Casey | Inconsistency Analyst
DATE: December 14, 2025
PRIMARY WITNESS: Frank Delgado
DOCUMENTS ANALYZED: 5 (Depositions, Medical Records, Employment Records, Expert Reports)
TOTAL FINDINGS: 17 (4 Critical, 4 High, 5 Moderate, 4 Minor)

CLASSIFICATION KEY

■ CRITICAL	Case-breaking contradictions. Direct lies under oath.	90-100
■ HIGH	Strong impeachment material. Significant contradictions.	70-89
■ MODERATE	Useful issues. May have innocent explanations.	50-69
■ MINOR	Worth noting. Pattern-building material.	Below 50

EXECUTIVE SUMMARY

Frank Delgado's testimony contains **four critical contradictions** that fundamentally undermine his credibility.

Most devastating: he signed a document in 1979 acknowledging asbestos hazard training and declining respiratory protection—then testified under oath that he never received training and was never offered protection. His signature on that form is irrefutable evidence that contradicts his core narrative.

Additionally, Delgado has **overstated his employment duration by 50-100%**. He claims 9-10 years of exposure, but W-2 records, his employment application, and Social Security records all show only 5 years (1978-1983). His exposure claims have grown over time—from 7 years in 2019 testimony to 10 years in 2024—suggesting reconstruction rather than recollection.

Even his own friendly witness (Willie Johnson) contradicts him on key points, confirming that respirators were available and that "there was some training." The defense has overwhelming documentary evidence to impeach this plaintiff on the central issues of knowledge, protection, and exposure duration.

Finding Category	Count	Impact
■ Critical Findings	4	Case-breaking. Documented lies under oath.
■ High-Value Findings	4	Strong impeachment. Pattern of unreliability.
■ Moderate Findings	5	Supporting evidence. Memory problems.
■ Minor Findings	4	Pattern reinforcement.

■ CRITICAL FINDINGS

CRITICAL #1: Safety Training Denial vs. Signed Acknowledgment

Impeachment Value: 98/100

The Contradiction:

2024 Deposition, p.78: "Did you ever receive any training about asbestos hazards?" — "No. Never. Nobody told us anything about it being dangerous... I'm positive. They kept us in the dark."

Exhibit AMS-049: Asbestos Hazard Training Acknowledgment, signed by FRANK DELGADO, dated 3/15/79. Checkboxes confirmed for "Health hazards associated with asbestos exposure."

Why This Matters:

This is a direct lie under oath contradicted by documentary evidence bearing his own signature. He didn't forget training—he affirmatively denied it ever happened while his signature sits on a form proving otherwise. A jury will see this as deception, not confusion. This goes to the heart of his narrative that the company "kept them in the dark."

Cross-Exam Approach:

Lock him into the denial ("You're certain? Positive?"), then produce the document. Let him explain his own signature.

CRITICAL #2: Respirator Denial vs. Signed Declination

Impeachment Value: 97/100

The Contradiction:

2024 Deposition, p.112: "Were you ever offered a respirator at Atlantic Maritime?" — "No. Never. They never gave us any protection. We asked for masks and they said there weren't any."

Exhibit AMS-049: Same training form. Checkbox marked: "✓ Decline respiratory protection at this time." Signed by Frank Delgado.

Why This Matters:

He didn't just fail to remember being offered a respirator—he testified they "never gave us any protection" and that when they asked, "they said there weren't any." The document shows he was offered protection and checked the box declining it. This demolishes his victim narrative and opens the door to comparative fault arguments.

Cross-Exam Approach:

Get him to repeat the denial emphatically, then show him his own checkmark. Ask: "Is that your checkmark, Mr. Delgado?"

CRITICAL #3: Employment Duration — 10 Years vs. 5 Years

Impeachment Value: 95/100

The Contradiction:

Source	Claimed Duration
2024 Deposition	"1976 to 1985. About nine, ten years."
2019 Testimony (prior case)	"1977 to 1984. About seven years."
Employment Application	Dated June 14, 1978
W-2 Records	1978-1983 (5 years)
Social Security Records	1978-1983 (5 years)

Why This Matters:

He's doubled his exposure period. In 2019, he said 7 years. Now it's 10. The documents show 5. This isn't fading memory—his story is getting better for his case over time. Exposure duration directly affects causation analysis and damages. He's overstated his exposure by 50-100%.

Cross-Exam Approach:

Walk through each version chronologically. End with: "So your exposure keeps growing every time you testify?"

CRITICAL #4: Double Employment Impossibility

Impeachment Value: 94/100

The Contradiction:

2024 Deposition, p.22-23: Claims he started at Atlantic Maritime in 1976 "right out of high school."

Work History (Case File): Shows Camden Hardware employment 1976-1978.

Why This Matters:

He physically could not have been working at Atlantic Maritime in 1976-1978 if he was working at Camden Hardware during the same period. This isn't a memory lapse—it's an impossibility. His own documented work history proves he wasn't at the shipyard when he claims.

Cross-Exam Approach:

"You testified you started at Atlantic Maritime in 1976. Your work history shows you were at Camden Hardware until 1978. Were you working two full-time jobs simultaneously, Mr. Delgado?"

■ HIGH-VALUE FINDINGS

HIGH #1: Exposure Frequency — "Every Day" vs. "3-4 Times Per Week"

Impeachment Value: 85/100

The Contradiction:

2024 Deposition, p.134: "How often were you exposed to asbestos?" — "Every single day. Every day I went to work, I was breathing that stuff."

Interrogatory Answers (signed under oath): Question 14: "Approximately 3-4 times per week on average"

Why This Matters:

"Every day" vs. "3-4 times per week" is a 40-70% difference in claimed exposure. This directly impacts the industrial hygienist calculations and causation opinions. His own sworn interrogatory answers undercut his deposition testimony.

HIGH #2: Job Duties — Direct Handling vs. Helper Role

Impeachment Value: 82/100

The Contradiction:

2024 Deposition, p.89: "I worked directly with the asbestos insulation. I would tear it off the pipes with my hands, mix up the mud, apply new insulation."

Job Description (Personnel File, AMS-010): "Pipefitter Helper: Assists journeyman pipefitters. Carries materials and tools. Cleans work areas. Does not handle specialty materials without supervision."

Why This Matters:

His job description explicitly says he did NOT handle specialty materials without supervision. He's describing journeyman duties, not helper duties. This matters because direct handling creates higher exposure than assisting.

HIGH #3: Coworker Contradiction on Respirators

Impeachment Value: 80/100

The Contradiction:

Delgado: "Nobody ever offered me a respirator. I would have worn one."

Willie Johnson (Plaintiff's witness), p.67-78: "I remember them having respirators around... There were respirators around. Whether anybody pushed them on us, I don't know."

Robert Thornton (Supervisor), p.145: "Everyone was offered respirators. It's right there in the training form. Some guys wore them, some didn't. Delgado didn't want to wear one. Said it was too hot."

Why This Matters:

Plaintiff's own friendly witness (Johnson) contradicts him. And his supervisor has specific recall that Delgado declined because of heat. This corroborates the signed declination form.

HIGH #4: Same-Deposition Contradiction on Masks

Impeachment Value: 78/100

The Contradiction:

2024 Deposition, p.112: "They never gave us any protection. We asked for masks and they said there weren't any."

2024 Deposition, p.165: "Yeah, there were paper masks around. But those were useless."

Why This Matters:

Fifty pages apart in the same deposition, he contradicts himself. First, no masks existed. Later, masks were available but "useless." This shows he's shaping testimony rather than recalling facts.

■ MODERATE FINDINGS

- **Supervisor Name Confusion** (58/100)

Can't keep supervisor's name straight within same deposition (Bobby/Bob/Bill). Shows memory problems.

- **Symptom Onset Timing** (62/100)

Claims symptoms in January 2023; first medical record September 2023. 6+ month gap undermines severity narrative.

- **Father's Death Date Anchor** (65/100)

Anchored 1976 start to father's death, but father died in 1979. Memory anchor is false.

- **"Other Exposures" Initial Denial** (68/100)

Initially said Atlantic Maritime was "the only place," then admitted 33+ years at other facilities with asbestos.

- **Ship Name Inconsistency** (45/100)

Minor spelling inconsistency (Forrest vs. Forest Sherman). Pattern-building only.

■ MINOR FINDINGS

- **Age at Hire** (35/100)

Claims 18 at hire; math shows 20. Simple error.

- **Helper vs. Pipefitter Title Conflation** (40/100)

Alternates between titles; overstates role.

- **Prior Testimony Date Drift** (N/A)

Rolled into Critical #3.

- **Training "Reality" Hedge** (42/100)

Moved from "no training" to "not real training"—preparing fallback.

EXPERT WITNESS ANALYSIS

Dr. Arthur Bronstein (Plaintiff's Causation Expert)

Vulnerabilities:

- 150+ asbestos cases, ~140 for plaintiffs (93%+). Never found for defense.
- \$40,000 billed on this case (\$750/hr review, \$1,500/hr testimony).
- Relied on Delgado's 10-year claim; records show 5 years. Opinion built on overstated exposure.
- Cannot identify which specific defendant's product caused disease.
- Admits screening cases before accepting—"I only take cases where causation is clear."

Dr. William Crawford (Defense Medical Expert)

Vulnerabilities (Plaintiff Will Exploit):

- 120 asbestos cases, ~115-116 for defense (96%+). Never testified causation proven.
- Prior publications contradict testimony: 2019 article said "presumption of causation is reasonable."
- 2015 article said "even brief exposures" can cause mesothelioma.
- Admits diagnosis, admits asbestos cause, admits exposure—but can't conclude causation.

RECOMMENDED ATTACK VECTORS

1. THE DOCUMENT WALL (Primary Attack)

Build a sequence that walks through document after document, each one contradicting something Delgado swore to. Start with the training acknowledgment (most devastating), move to employment records, end with his own prior testimony. Create the impression that nothing he says can be trusted.

Closing Argument Hook:

"He told you nobody trained him. His signature says otherwise. He told you he worked there ten years. His W-2s say five. He told you nobody offered protection. His own checkmark says he declined it. What else did he tell you that isn't true?"

2. THE CREDIBILITY CASCADE (Secondary Attack)

After the document attack, pile on the internal contradictions and memory failures. "Every day" vs. "3-4 times per week." "No masks" vs. "masks were useless." Bobby vs. Bill. Each one is small; together they paint a picture of a witness who can't keep his story straight.

3. THE GROWING STORY (Supporting Attack)

In 2019, seven years. In 2024, ten years. His exposure keeps growing every time he testifies. His story gets better for him over time. That's not how memory works—real memories fade, they don't improve.

4. THE ALTERNATIVE EXPOSURES (Fallback)

He initially said Atlantic Maritime was "the only place"—then admitted 33 more years at other facilities. Philadelphia Naval Yard. PSEG for three decades. Home renovations. Any of these could be the actual source.

NEXT STEPS & HANDOFFS

Persona	Recommended Action
Alex	Build full cross-examination sequences for the Document Wall attack. Start with training denial lock-in,
Chris	Practice confronting Delgado with training form. Personality: Straight Arrow or Fog. Mode 2-3.
Jordan	Prepare Delgado for trial if representing plaintiff. He needs to explain the training form. "I signed things
Morgan	Practice Crawford cross using his 2015 and 2019 publications. He's vulnerable on prior inconsistent st

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