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March 26, 1963 DELIVERED APR 5 1963

John Dowd,
Omaha, Nebraska Office

K. L. Lipp, Manager
Mpls. Claim Dept.

Western Mineral Products Company
Claimant: Pete Halagard

PLAINTIFF'S
EXHIBIT
WRG-414

The Atria Casualty and Surety Company
First National Bank Building
3555 Farnam Street
Omaha 31, Nebraska

Dear John:

I am not sending face sheets at this time but ask that you check into the possibility of the development of a claim. Mr. Pratt of our assured's main office has called me, repeating his efforts to encourage the use of portable x-ray units, when they appear in the area, by their employees. Mr. Halagard has recently been in apparent poor health. He did not have the energy and stamina which he had formerly shown during his many years of employment with our insured. Exact year of employment is not disclosed at this point but he had only one lapse as an employee for the years of 1952-1954 when he was employed elsewhere as a plumber.

Recently, a mobile x-ray unit was in the area of the assured's plant and many of the employees took advantage of the opportunity for an x-ray following which Mr. Halagard was sent a letter dated February 13, suggesting that he get a larger chest x-ray for study by a specialist. The claimant advised that he had no doctor but finally the examination was performed by a doctor located with the Physicians Clinic of Omaha. He went to the hospital for a check up and as a result a group claim was opened, records of which would be maintained by the Great West. This man has been advised that he has an acute pulmonary fibrosis. The Clinic sent a letter to the assured apparently on the theory that there was a serious existing hazard, and it is possible that they have sent this letter with an idea hoping that the assured would correct the situation to prevent the involvement of other employees. They stated that this man would become a respiratory invalid and that in their opinion his condition is thoroughly one of occupational disease. They state that there is no other apparent cause of his condition other than his exposure to an existing dust hazard over a period of years. They state that his capacity to continue in his present type of work is very limited and something should be done in reference to getting him into a different type of work. They advise that his condition is typical of inhalation of dust particles and as far as they can see there is no helpful treatment. They have voluntarily advised that their records would be available for study.

Many years ago, the original plant set-up was very dusty. However, Mr. Pratt and other in his organization have been very effective in realigning

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their physical set up so that at present the dust hazard provides a very low level. Our own safety engineers check the dust count periodically and therefore it appears that this man's condition did develop and occurred during the time when there was a high dust count.

Our minds have been refreshed in connection with the McMurtrie case arising in Omaha. Dr. Lowry and Dr. Park of Minneapolis were interested and still are interested in this situation. It is our thought that you will possibly want to contact the assured in Omaha and get as complete case history as you can. We will also assume that you will call upon the Physicians Clinic for purpose of reviewing their records after which you will be in a better position to suggest our future course in getting conclusive medical information.

Mr. Pratt has advised me of some recent similar cases existing at the B. F. Nelson Company in Minneapolis which has a similar operation. They have not concentrated toward lowering their dust count and were recently advised of the involvement of 4 employees who had developed varying degrees of fibrosis. One of the cases has been decided by the Industrial Commission, Leary vs B. F. Nelson Company which we understand has been carried by Traveler's. I will follow through in an attempt to secure information on that particular case. After your preliminary investigation we would appreciate your comments on whether or not you believe that it would be of any value in having the information reviewed by local doctor's who were familiar with the McMurtrie case. Thank you for your assistance.

kll/jkk

CC:

Western Mineral Products Company, Attention: Mr. Pratt.

cc V. ...
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OKed
Cord
Sather

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