



/OFFICE COMMUNICATION _____

ARMSTRONG

C O P Y C O P Y C O P Y

J. E. Zeller, Lancaster

February 19, 1960

J. J. Roper, Boston

James E. Shepherd
Construction Employee
Asbestosis Claim

We have your same of February 17th in regard to the above. Frank Jones and George Anderson, our foremen on the job, where Shepherd worked from September 17, 1957 to November 4, 1957, attended the hearing today at the Industrial Accident Board, 150 Tramont Street, Boston, where the case was held before an auditor. Attorney Shier represented The hearing was concluded and Jones and Anderson appeared with all necessary records pertaining to the case but since they had consulted with Attorney Shier prior to the hearing, they were not called at the hearing.

Attorney Shier informed Frank Jones that inasmuch as Mr. shepherd's widow is 52 years old and she has a life expectancy of approximately fifteen years, if we were to go to Court on the matter,

Despite the fact that Shepherd worked for us for the comparatively short period of approximately two months, Shier felt that since we were the last employer and for other reasons best known to himself, he did not want to take the case before a jury and made the above-mentioned settlement.

Shepherd's attorney had a very prominent lung and cancer pathologist named J. Stewart Rooney, engaged to testify for the plaintiff at the hearing. This medical man is presently engaged by the Van Rie attorneys on the current murder case being tried in this area. We do not know whether this is peculiar to Massachusetts Law or not, but Attorney Shier informed Frank Jones that the last firm for whom an employee works in a case of this kind, is usually held chiefly responsible for a death; and you may be interested also to know what the attorneys for the plaintiff did not claim that the Asbestosis was contracted necessarily while Shepherd was in the employ of Armstrong Cork Company; but rather that while employed by them during this latter period of the disease, the disease was accelerated to the point of contributing to his demise.

If you have any other questions concerning this matter please write to Frank Jones or to me and we will try to answer them for you.

J.W. Liddell, Lancaster

J.E. Zeller

Feb. 19, 1960

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J.J. Roper

P.S. I have told Frank Jones that we should insofar as possible, make every effort to determine, when hiring new men, that they are free from lung disorders. I know this is a difficult thing to do but perhaps a study could be made by you or by our Company regarding the best manner to combat situations of this kind.

They undoubtedly cause our insurance rate to go up every time something of this nature takes place, and perhaps we could determine on some manner of securing X-ray reports on new men as I understand the Union now takes X-rays of at least a large portion of the men's chests each year. I think some study on this point might be worthwhile. I would appreciate your comments on this at your convenience.