

Complaints

INTER-OFFICE
CORRESPONDENCE

ETHYL GASOLINE CORPORATION

CHRYSLER BUILDING
135 EAST 42ND STREET

NEW YORK July 9, 1951.

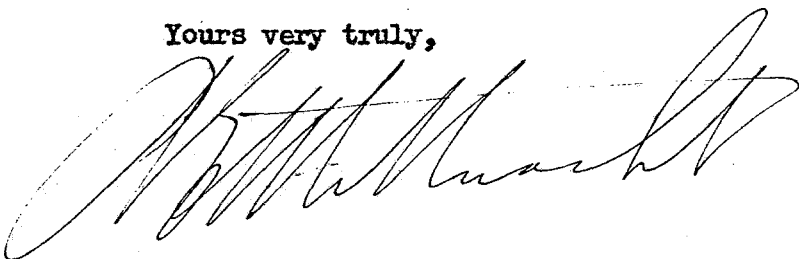
Dr. Willard F. Machle,

Dear Dr. Machle:

Mr. Robinson of the duPont Company has sent us the enclosed clipping from the New York Times regarding a case of alleged lead poisoning. This is not signed but only initialed and I doubt if we will be able to trace it. I am wondering, however, if it ties up with any of the cases that have been reported to you. If so, I would like to have your advice on this matter so that we may give further consideration to the article.

Will you please return the clipping with your reply.

Yours very truly,



C:C

KE 0012025

"Copy"

Clipping from the New York Times, July 2, 1931

COMPENSATION LAW FALLS

To the Editor of The New York Times:

I was very much interested in one of your editorial remarks some days ago about occupational diseases and the compensation law. It may be of interest to you to know that the law does not always operate in the interest of the worker. The following case, which occurred only yesterday, and in which I acted as a witness, will serve as an illustration.

In 1925 a garage foreman began to complain of severe headaches and weakness, which progressed gradually so that in 1927 he was forced to give up his work. The weakness became, in the course of time, a paralysis of the upper and lower extremities, and since that time the man has been a semi-invalid. The physicians treating him made various diagnoses, but none did sufficient laboratory work actually to determine the exact nature of the man's illness. In September of last year I admitted the patient to the hospital, and careful examination revealed that he was suffering from lead poisoning due to the inhalation of the fumes from the new kinds of gasoline so prevalent in the garage. The man then put in a claim for compensation as suffering from an occupational disease.

Let us keep in mind that in this case we cannot apply the saying "ignorance of the law does not excuse." The man was not aware of the nature of his illness, and his not filing a claim within the period specified by law was not due to negligence or ignorance of the law. The claim was rejected because the law requires that a compensation claim be filed within a specified period.

May I call your attention to the fact that the purpose of the compensation law was entirely defeated in this case? The State Insurance Fund appeared in the role of defendant, my patient in the role of plaintiff, whereas the purpose of the compensation law is not to make the one a defendant and the other a plaintiff, but to act in a conciliatory manner so that the State Insurance Fund would appear as a protector of the claimant. We do not deal with plaintiffs but with claimants. The worker does not sue for compensation. He only asks for an award, and the attorney for the State Insurance Fund should not have appeared for the purpose of fighting a case by raising all the technicalities of the law, but should have appeared for the purpose of interpreting the law in the interest of the worker.

L.G.

KE 0012026