

Air Mail

Special Delivery

February 15, 1962

Mr. H. M. Ounanian, Claims Manager
Employers Mutual of Wausau
385, Concord Avenue
Belmont 78, Massachusetts

Re: [REDACTED]
VS, Electric Storage Battery, Inc.
File A24-46670

Dear Mr. Ounanian:

I am returning the file of [REDACTED] to you after having reviewed it, and I am now prepared to give you my view of the situation. When I talked with you on the telephone, I was not aware of the fact that I had reviewed the record previously. I remembered the case, of course, when I referred to the record, and I am sorry that I was not able to recall my experience in this regard, for I could have saved both of us some time and trouble.

I can see no reason for altering the views expressed with considerable care and in some detail in my letter of February 14, 1961, to Mr. Linster. As I indicated therein, the medical evidence that has been used by the experts to indict lead as the cause of Mr. [REDACTED] condition is faulty - in my judgment exceedingly faulty, but I don't think you will be able to do anything to alter this situation with my testimony or without it. I've been attempting for nearly 30 years to uproot certain fallacies in the beliefs of some of the Boston experts by means of sound physiological evidence, but with little success in their case. I don't believe I care to go into their precincts in a situation of this sort, in which the actual facts are so obscure, to present an opposed view. If the case had been studied properly in the first instance the facts on which we could base satisfactory testimony would be available. They are not available, and so that is not possible.

As to the matters discussed in the second and third paragraphs on page 2 of your letter of February 13, 1962, I cannot help you, and I may say that no one is in position to help you with satisfactory testimony. It may well be that Mr. [REDACTED] absorbed little lead in his employment after your Company took over in March of 1957. It is entirely probable that the large proportion of the lead which he absorbed was so absorbed prior to this time. It is not possible to extract anything useful from the record or by means of any cogent argument, with respect to the time at which the lead (that is believed by our experts to have) caused Mr. [REDACTED] illness, was absorbed. Whether the little that was absorbed after March of 1957 was the "straw that broke the camel's back", (if it was only a little, which is by no means certain), or whatever may have happened,

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is all conjecture. The one analytical result of 0.09 mg. per liter to which you refer is actually wholly irrelevant. One such observation is worthless as evidence of this man's "body burden" at that time. (The concentration of lead in the urine varies much too much to give such a single result any real meaning, and moreover, one knows nothing about the ability of his kidneys to excrete lead. What one needed to know was the level of concentration of lead in the blood, but no one bothered to find this out, although it has been known for nearly 20 years that it is a crucial bit of evidence in medico-legal testimony, and in obscure clinical cases.) I repeat that your problem is that this man's illness was not properly investigated, and therefore, you do not have the facts on which sound medical evidence can be based. It is too late to obtain the facts and so one can never know.

Under these circumstances it would be a waste of my time and your money for me to testify in this case. I regret this and I appreciate your interest in my opinion.

Sincerely,

P.S. There will be no charge for this contribution (?) to your collective information.

RAK:ss

Enclosure - File on 

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