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GAR 000109

PLAINTIFF'S EXHIBIT
G-288

MORRIS J. MOSKOWITZ, M. D.
Rochester 7, N. Y.

January 16, 1945

(American) Lumbermen's Mutual Casualty Co. of Illinois
918 Reynolds Arcade Building
Rochester, N. Y.

Re: Vera Clemons, Deceased, Palmyra, N. Y.
vs: Garlock Packing Company, Palmyra, N. Y.

Gentlemen:

This 42 year-old, married woman entered the employ of the Garlock Company on May 20, 1918 and worked there steadily until July 3, 1928 in the textile room, operating a loom and a creel. She then returned to the same kind of work on September 17, 1928 and worked through June 29, 1929. She was then married and left the company's employ. She had three children. During her married life she is said to have gained weight and to have had some shortness of breath. On December 3, 1942 she again went to work for the Garlock Company, in the same department, and worked steadily until November 26, 1943. On this last date, she resigned "without any explanation".

On April 8, 1943, she was seen by Dr. Marsh of Palmyra, N. Y.; at this time she complained of pain in the chest, shortness of breath and cough. On May 15, 1943, her chest was x-rayed by the State Department of Health Clinic at Newark, N. Y. These films were examined by Drs. J. H. Green, E. G. Whipple, John MacMillan and me. Dr. Green reports on them as follows: There is infiltration involving the larger part of the right lung. The shadows are much denser near the hilum. There is a dense shadow in the left lung near the hilum. The two dense shadows largely obscure the heart shadow. No accurate measurements of the heart can be given. The leaves of the diaphragm are quite high. The right leaf of the diaphragm lies above the 8th posterior rib and the left leaf lies just below the 8th posterior rib. There are some areas of decreased density in the lungs, suggesting emphysema".

On June 5, 1943, she was again x-rayed by the State Department of Health, this time at Palmyra, N. Y. This film shows "changes similar to those described in the film of May 15, 1943. The dense shadows extending out near each hilum obscure the heart shadow. There is infiltration involving the larger part of the right lung. The leaves of the diaphragm are high".

The diagnosis, made by the State Department of Health on the above two films, was "pulmonary fibrosis".

On or about September 26, 1944, the patient was sent into the Genesee Hospital of Rochester, by Dr. Marsh; here, she was attended by Dr.

Martin B. Johnson. On September 27, 1944, another chest film was taken at the hospital. This showed "infiltration of the lungs, as described in the two previous films. In addition, there is a pneumothorax pocket in the right pleural space, extending along the axillary border and over the apex, causing approximately 25% or 30% compression of the lung. The heart is apparently shifted slightly toward the left side. In addition to the infiltration described in both lungs in the previous films, there is a slight increase in the linear markings in the left lung, from the clavicle to the base". The patient died at the hospital on September 29, 1944.

Autopsy was done by Dr. N. W. Popoff, the hospital pathologist. He will forward a complete report of his findings, both gross and microscopic. The autopsy material was reviewed by Drs. Whipple, MacMillan and me. It establishes the conclusion that the patient died "as a result of pneumothorax. This pneumothorax was associated with extensive pulmonary fibrosis, with emphysematous blebs and emphysema. Sections of the lungs confirm the diagnosis of pulmonary fibrosis, resulting from prolonged contact with asbestos". It is Dr. Popoff's opinion that the asbestosis was "of long duration".

The advisability of making a chemical examination of the ashed lung was taken up with Dr. Leroy U. Gardner of the Edward L. Trudeau Foundation at Saranac Lake, N. Y. He wrote me: "I would much rather rely on a histological examination of large blocks of lung tissue made by a competent pathologist than I would expect results from chemical data. At best, the latter is only supporting evidence of any morphological changes that may be present. We have done it on a good many lungs that have proved to have asbestosis, but all one can do is to demonstrate that there may be abnormal quantities of magnesium. The silicates that are detected might readily be due to other inhaled materials". On the basis of the above, it was not thought necessary to have the lung ashed.

<u>Conclusion</u>: It is my opinion, in which Drs. Popoff, MacMillan and Whipple tell me they concur, that this woman died of a pneumothorax, associated with pulmonary fibrosis and asbestosis; that this process began at some time after she first went to work for the Garlock Packing Company and steadily progressed; that she was, clinically, an advanced case of asbestosis when she returned to work for the Garlock Company in December 1942, and that the process would undoubtedly have gone on to a fatal termination even if she had not worked during the period from December 1942 to November 1943.

Very truly yours,

/s/ M. J. Moskowitz, M. D.

MJM:IG /t/ M. J. MOSKOWITZ, M. D.
Enc.

NAME ~~[illegible]~~ Mrs. Raymond E. Clemmens
Vera Clem[illegible]

NO. [illegible]

ADDRESS R.F.D. #3

CHANGE OF ADDRESS

Palmyra, N.Y.

May 25-1902

NATIONALITY	COLOR	SEX	MARRIED, SINGLE OR WIDOWED	AGE
Am		Female	Single	17

HEIGHT	WEIGHT	COLOR HAIR	EYES	USE INTOXICANTS? (YES OR NO)
5ft 5"	140			

DEPENDENTS- (WIFE OR DEPENDENT HUSBAND) | (CHILDREN, BROTHERS OR SISTERS UNDER 18 YRS., PARENTS OR GRANDP

(CHILDREN UNDER 18 YEARS OF AGE - GIVE DATE OF BIRTH)

PREVIOUS DISABILITY

DEFORMITIES-IF ANY (DESCRIBE IN DETAIL)

REMARKS

PREVIOUS EMPLOYMENTS

DATES FROM	TO	EMPLOYED AS	EMPLOYER	WORK REGULARLY	RATE PER WEEK
1/2 yr			Drakes		

May-20-1918 EMPLOYMENT RECORD

DATE	DEPT	EMPLOYED AS	RATE PER HOUR	RATE PER WEEK
Apr 5 20				$15 00
			[illegible]	[illegible]

REMARKS [illegible] 7-31-[illegible] [illegible] 6-29-[illegible]

DATE LEFT OR DISCHARGED

ACCIDENTS

DATE	REPORT NO.	REPORTED TO		DISABILITY FROM	TO	COMPENSATION AMT.	HOW PAID

EMPLOYEE'S SIGNATURE

[illegible] Smith

WITNESSED BY

IMPRESSION SHOULD BE SIMULTANEOUS FLAT

062-20-7312

GARLOCK EM EE RECORD

G.P.Co.

NAME Mrs. Vera Smith Clemons			Clock No. 660		
ADDRESS 135 West Foster Street Palmyra, New York			Phone No.		
In Case of Accident Notify Ray Clemons Same Address					
Education Grammar Trade None			Date Hired 5-20-18		
Height 5' 4½" Weight 194 Lbs Physical Examination Yes					
Citizenship Amer. Where Born Macedon Center			Date Born 5-25-02		
Married x Single Dependents 3 Children				RATE	10.00 wk
Previous Employment			Date	Hour	Week
Dept. Worked In	Type of Work	Remarks			
Textile Dept.	Loom Operator	R. 9-17-1921	5-20-18		10.00
		R. 9/24/1929	7-8-18		11.00
			10-19-18		12.00
			9-1-19		13.00
			4-5-20		15.00
		Resigned 5-20-18 7-31-1927			
Textile Dept.	Creel Operator	Back 12-3-42	12-3-42	.45	18.00
			1-10-43	.50	20.00

DEPARTMENT	OCCUPATION OR OPERATION	CODE OPER.	CODE MACH.	CEILING RATE	DATE OF CHANGE	RATE SENIOR. MULT.	RATE PER HOUR	RATE PER [illegible]
Textile 6					Re-Hired 12-3-42		.45	18.[illegible]
	Weaving	310	500	.50 c	1-10-43	[illegible]	.50	20.[illegible]
	Resigned. Not physically able to do the work.				11-26-43			

BIRTH DATE (MO. DAY YEAR)	SINGLE	MARRIED	NO. DEPEND.	HANDICAPPED
May 25, 1902				

LOCAL BOARD NUMBER AND MAILING ADDRESS

ORDER NO.

ORIGINAL CLASS

DATE GRANTED

CLOCK NO.	NAME	SOC. SEC. NO.	DRAFT STATUS 4	3	2	1
[illegible]	135 West Foster St., Palmyra, N. Y. CLEMONS, Vera Smith	061-20-7312				

No. 4

Factory pay roll change card covering separation of the decedent on November 26, 1943.

THE GARLOCK PACKING COMPANY—FACTORY PAYROLL CHANGES

Name: Vera Clemons
Job: Weaver
Dept.: Textile
Clock No.: 660
Code: 310
Mach. Code: 260
Date Hired: Rehired Dec. 3, 1942

Routing—
General Manager
Pers. Rec. Div.
Cost Div.
Factory Office File

RECOMMENDATION FOR INCREASE:
Present Rate ____ Per Hr. ____ New Rate ____ Per Hr. ____ Effective Date ____
Reason:

TRANSFER: Department / Clock No. / Job / Code / Mach. Code / Ceiling Rate / Bonus Hourly / Ceiling
From:
To:
Reason:

REMOVED FROM PAYROLL: Effective Date
Reason: Resigned. Not physically able to do the work.
Effective Date: November 26, 194[illegible]

Dep. Mgr. ____
Div. Supt. ____
App. Production Mgr. ____
App. General Mgr. ____

DEC 3 - 1943

WAGE STATEMENT

[illegible] of compensation under the New York Workmen's Compensation Law is the average daily wage earned by the [illegible] employee during the year, or a substantial part of the year prior to the accident and in the same employment. If the injured employee has not worked at the same work for a year or a substantial part thereof, then the rate is determined by taking [illegible] another employee of the same class who has worked the whole of or substantially the whole of such immediately preceding year in the same or similar employment. It is necessary, therefore, to show by weekly periods the number of days worked and the earnings each week (including all overtime) in each such period.

If the injured employee has worked a year or a substantial part of a year the form marked "A" should be used. If he has not worked for a year or a substantial part thereof and another employee has, then the form "B" should be used. In either case, the [illegible] following these forms should be carefully prepared and certified.

Kew [illegible] New York, ______ 19__

This is to certify that I, Mrs Verna S. Clemons
(Name of person certifying)

am the ______ (Name of office or position held) of ______ (Name of employer)

of ______ (Number, Street, City, or Town) employer of ______ (Name of injured person)

injured on or about ______ 19__
(Day, Month, Year)

"A" I have examined the payroll of said employer and the following table shows the days worked and the wages earned by said ______ employed as ______ during the period covered thereby.

"B" I have examined the payroll of said employer and find that ______ the injured employee, did not work for said employer a substantial portion of the year before the accident. The following table shows the days worked and the wages earned by ______ another employee of the same class employed by the same employer who did work a substantial part of such year in the same or similar employment.

Signed by ______

Official Position ______

	Month	Day	Year	Days Worked	Amount Paid Including all Overtime			Month	Day	Year	Days Worked	Amount Paid Including all Overtime			Month	Day	Year	Days Worked	Amount Paid Including all Overtime
1	Dec	5	1942		7	20	19	Apr	10	1943		4	[illegible]	36	Aug	7	1943		[illegible]
2		12			18	[illegible]	20		17			24	61	37		14			[illegible]
3		19			21	66	21		24			21	58	38		21			[illegible]
4		26			4	28	22	May	1			28	19	39		28			[illegible]
5	Jan	2	1943		19	77	23		8			16	57	40	Sept	4			[illegible]
6		9			22	24	24		15			32	01	41		11			[illegible]
7		16			23	74	25		22			29	[illegible]	42		18			[illegible]
8		23			22	28	26		29			49	98	43		25			[illegible]
9		30			14	[illegible]	27	June	5			29	50	44	Oct	2			[illegible]
10	Feb	6			24	25	28		12			28	80	45		9			[illegible]
11		13			19	25	29		19			28	84	46		16			[illegible]
12		20			20	49	30		26			20	98	47		23			[illegible]
13		27			29	61	31	July	3			39	33	48		30			[illegible]
14	Mar	6			30	4	32		10			32	10	49	Nov	6			[illegible]
15		13			30	75	33		17			30	82	50		13			[illegible]
16		20			29	67	34		24			31	05	51		20			[illegible]
17		27			30	83	35		31			29	39	52		27			[illegible]
18	Apr	3			29	53													

Entire Total $ 129[illegible]

WAGE STATEMENT

The basis of compensation under the New York Workmen's Compensation Law is the [illegible] earned by the employee during the whole year or a substantial part of the year prior to the accident and in the same occupation. If the employee has not worked at the same work for a year or a substantial part thereof, then the rate is determined by taking the [illegible] another employee of the same class who has worked the whole of or substantially the whole of such [illegible] preceding [illegible] same or similar employment. It is necessary, therefore, to show by weekly periods the number of days worked and the amount [illegible] (including all overtime) in each such period.

If the injured employee has worked a year or a substantial part of a year the form marked "A" should be used. If he has [illegible] worked for a year or a substantial part thereof and another employee has, then the form "B" should be used. In either case, the [illegible] following these forms should be carefully prepared and certified.

_______________ New York, _______________ 19___

This is to certify that [illegible]
(Name of person certifying)

as the _______________ (Name of office or position held) _______________ (Name of employer)

of _______________ (Number, Street, City or Town) _______________ employer of _______________ (Name of injured person)

injured on or about _______________ 19___
(Day, Month, Year)

"A" I have examined the payroll of said employer and the following table shows the days worked and the wages earned by [illegible] _______________ employed as a _______________ during the period stated therein.

"B" I have examined the payroll of said employer and find that _______________ the injured employee, did not work for said employer a substantial portion of the year before the accident. The following table shows the days worked and the wages earned by _______________ another employee of the same class employed by the same employer who did work a substantial part of such year in the same or similar employment.

Signed by _______________

Official Position _______________

	Week Ending Month	Day	Year	Days Worked	Amount Paid Including all Overtime			Week Ending Month	Day	Year	Days Worked	Amount Paid Including all Overtime			Week Ending Month	Day	Year	Days Worked	Amount Paid Including all Overtime
1	Dec	5	1942		7	20	19	Apr	10	1943		[illegible]	[illegible]	36	[illegible]	7	1943		1-
2		12			18		20		17			24	61	37		14			24
3		19			21	66	21		24			21	58	38		21			27
4		26			4	28	22	May	1			28	19	39		28			27
5	Jan	2	1943		19	77	23		8			16	57	40	Sept	4			29
6		9			22	14	24		15			32	02	41		11			33
7		16			23	74	25		22			29	77	42		18			[illegible]
8		23			22	28	26		29			29	96	43		25			17
9		30			14	44	27	June	5			29	50	44	Oct	2			30
10	Feb	6			24	23	28		12			28	80	45		9			26
11		13			19	25	29		19			28	04	46		16			27
12		20			20	49	30		26			20	96	47		23			25
13		27			29	61	31	July	3			29	33	48		30			28
14	Mar	6			30	14	32		10			32	70	49	Nov	6			26
15		13			30	75	33		17			30	22	50		13			28
16		20			29	61	34		24			31	03	51		20			28
17		27			30	83	35		31			29	69	52		27			[illegible]
	Apr	3			29	53													
Total							Total							Total					

Entire Total $ 12[illegible]

WAGE STATEMENT

[illegible] (including all overtime) in each such period.

If the injured employee has worked a year or a substantial part of a year the form marked "A" should be used. If he has not worked for a year or a substantial part thereof and another employee has, then the form "B" should be used. In either case, the table following these forms should be carefully prepared and certified.

New York, [illegible]

This is to certify that [illegible] (Name of injured employee)

(Name of office or position held) (Name of employer)

of [illegible] (Number, Street, City or Town) (Place of injury)

injured on or about ______ (Day, Month, Year)

"A" I have examined the payroll of said employer and the following table shows the days worked and the wages earned by said employee [illegible] stated therein.

"B" I have examined the payroll of said employer and find that ______ the injured employee, did not work for said employer a substantial portion of the year, before the accident. The following table shows the days worked and the wages earned by ______ another employee of the same class, employed by the same employer who did work a substantial part of such year in the same or similar employment.

Signed by ______

Official Position ______

No.	Week Ending Month	Day	Year	Days Worked	Amount Paid Including all Overtime $	¢	No.	Week Ending Month	Day	Year	Days Worked	Amount Paid Including all Overtime $	¢	No.	Week Ending Month	Day	Year	Days Worked	Amount Paid Including all Overtime
1	Dec	5	1942		7	[illegible]	19	Apr	10	1943		[illegible]	[illegible]	36	Aug	7	1943		[illegible]
2		12			[illegible]	[illegible]	20		17			[illegible]	[illegible]	37		14			[illegible]
3		19			[illegible]	66	21		[illegible]			[illegible]	[illegible]	38		[illegible]			[illegible]
4		[illegible]			[illegible]	[illegible]	22	May	1			[illegible]	19	39		[illegible]			[illegible]
5	Jan	2	1943		19	77	23		8			[illegible]	57	40	Sept	[illegible]			[illegible]
6		9			[illegible]	[illegible]	24		15			[illegible]	[illegible]	41		[illegible]			[illegible]
7		16			[illegible]	[illegible]	25		[illegible]			[illegible]	77	42		[illegible]			[illegible]
8		[illegible]			[illegible]	[illegible]	26		[illegible]			[illegible]	[illegible]	43		[illegible]			[illegible]
9		[illegible]			[illegible]	[illegible]	27	June	5			[illegible]	[illegible]	44	Oct	[illegible]			[illegible]
10	Feb	6			[illegible]	[illegible]	28		12			[illegible]	[illegible]	45		9			[illegible]
11		13			19	[illegible]	29		19			[illegible]	[illegible]	46		16			[illegible]
12		[illegible]			[illegible]	[illegible]	30		[illegible]			[illegible]	[illegible]	47		23			[illegible]
13		27			[illegible]	[illegible]	31	July	3			[illegible]	[illegible]	48		30			[illegible]
14	Mar	6			[illegible]	[illegible]	32		10			[illegible]	[illegible]	49	Nov	6			[illegible]
15		13			[illegible]	75	33		17			[illegible]	[illegible]	50		13			[illegible]
16		[illegible]			[illegible]	[illegible]	34		[illegible]			[illegible]	[illegible]	51		[illegible]			[illegible]
17		27			[illegible]	[illegible]	35		[illegible]			[illegible]	[illegible]	52		27			[illegible]
18	Apr	3			[illegible]	[illegible]													

Entire Total $ [illegible]

Packing Company

, NEW YORK

December 5, 19[illegible]

Mrs. Ray Smith

Mr. Ryder, Compensation Claims Agent, Lumbermen's Mutual Insurance Company, has asked for a wage statement for the above subject employee.

The factory records show that she was re-employed December 5, 194[illegible] and resigned or was laid off November 28, 194[illegible]. They raise the question that possibly her wages might have been continued after that date. What the insurance company desires is the total wages earned by Mrs. [illegible] from December 5, 194[illegible] until she was removed from our payroll.

You probably know that Mrs. [illegible] died in September 194[illegible].

W. M. [illegible]

[illegible]:IO

cc: Miss [illegible]

The Garlock Packing Company

PALMYRA, NEW YORK

Vera S. Clemons

January 10, 1945

Mr. Geo. A. Ryder, Claim Adjuster
American Lumbermens Mutual Casualty Co.
of Illinois
Reynolds Arcade Bldg.
Rochester 4, N. Y.

Dear Mr. Ryder:

Responding to your telephone request to our Miss Gowenor, factory nurse, we give you below the record of the employment of the above subject party as shown on our records:

First employed	- May 20, 1915
Resigned	- July 31, 1926
Re-employed	- Sept. 17, 1928
Resigned	- June 29, 1929
Re-employed	- Dec. 3, 1942
Resigned	- Nov. 26, 1943

We trust the above will meet your requirements.

Very truly yours,

THE GARLOCK PACKING COMPANY

H. B. Pierce

Assistant Secretary

HBP:WWG:IO

The Garlock Packing Company

PALMYRA, NEW YORK

January 8, 1947

Mr. Charles W. Green, Attorney at Law,
Strong, Bodine, Wright & Combs,
800 Powers Building,
Rochester 4,
New York.

Re: Raymond E. Clemons as Limited Administrator
of the Estate of Vera B. Clemons, deceased

vs: Garlock Packing Company

Dear Mr. Green:

This letter will introduce Mr. James B. Alsdorf, Staff Attorney of our Company.

Mr. Alsdorf is taking up with Mr. Wilcox of Harris, Beach, Keating, Wilcox & Dale, the questions involved in the recent action brought by Mr. William L. Clay in the Clemons matter. In view of the foregoing, we will appreciate it if you will give Mr. Alsdorf a brief summary of the present status of the subject case which you are handling for us.

This letter will also serve as a reply to yours of January 2, and in accordance with your request, we enclose (American) Lumbermens Mutual Casualty Company Workmen's Compensation Policy No. YC2,984,368 covering 1944; also Policy No. YC2,895,115 covering 1943. Although Mrs. Clemons died in 1944 she was last employed by our Company in 1943. Our record of her employment is as follows:

First employed	-	May 20, 1918
Resigned	-	July 31, 1928
Re-employed	-	Sept. 17, 1928
Resigned	-	June 29, 1929
Re-employed	-	Dec. 3, 1942
Resigned	-	Nov. 26, 1943

In next to the last paragraph of your letter of the 2nd you state that "Mr. Zurett has suggested that inasmuch as the (American) Lumbermen's Mutual Casualty Company has not afforded you coverage under its policy No. YC2,984,368 and will not be required to pay any judgment which may be entered in the action,

Mr. Charles W. Green,
Attorney at Law.

you may deem it desirable and proper to have this firm or some attorneys other than the Lumbermen's Mutual counsel take the defense of the action and follow it through to a conclusion". In this connection, it was our understanding that you were to protect our interests with respect to this action, working in cooperation with Mr. Ryder of the insurance carrier. This is referred to in your letter of November 18, 1944. It is our understanding that the Lumbermens believed this to be a compensation case and were willing to accept liability under their policy as a result of the post-mortem performed on Mrs. Clemons at the time of her death. Although the Lumbermens are no longer our insurance carrier, they certainly have an interest in this case and should continue to cooperate fully in defense of the action which has been brought through Mr. Clay.

After you have had an opportunity to review the case further, we shall be glad to have your comments.

Very truly yours,

THE GARLOCK PACKING COMPANY

Assistant Secretary.

KEP:CH

Encls.

[illegible] on the [illegible] —
at his home at 7:30 p.m.
November 23, 1948;

[illegible]

By [illegible]
[illegible]

COMPENSATION BOARD
NEW YORK

W.C.B. Case No. 74802823

NDER

mant, } SUBPOENA

loyer.

STATE OF NEW YORK

ndent Textile Dept.
hyra, N. Y.
ETING:

xcuses being laid aside, you and each of you appear and attend before the WORKMEN'S COMPENSATION BOARD OF THE STATE OF NEW YORK, at 70 Exchange Stree Rochester, New York

on the 26th day of November, 1948, at 2 o'clock in the afternoo of that day, in Part 2 to testify and give evidence in a certain hearing then and there to be held in the matter of the claim for compensation of Raymond E Clemons, claimant, against Garlock Packing Company, employer, on the part of plaintiff.

AND FOR A FAILURE TO ATTEND, you will be deemed guilty of a contempt and liable to the penalties provided in Section 119 of the Workmen's Compensation Law and Section 405 of the Civil Practice Act.

WITNESS: THE WORKMEN'S COMPENSATION BOARD OF THE STATE OF NEW YORK, at Rochester, New York, the 22nd day of November, one thousand nine hundred and forty-eight

William L. Clay

AND BRING RECORDS OF ALL DUST COUNTS AND RECORDS OF AMOUNTS OF ASBEST IN AIR AND CHEMICAL ANALYSIS OF ALL MATERIALS USED IN ROOM WHERE VERA B. CLEMONS WORKED DURING HER EMPLOYMENT.

BEFORE THE WORKMEN'S COMPENSATION BOARD

STATE OF NEW YORK

W.C.B. Case No. 74802825

IN THE MATTER OF THE CLAIM FOR COMPENSATION UNDER THE WORKMEN'S COMPENSATION LAW OF

Raymond E. Clemons *Claimant,*

against

Garlock Packing Company *Employer.*

SUBPOENA

THE PEOPLE OF THE STATE OF NEW YORK

To George E. Houghton, Superintendent Textile Dept.
Garlock Packing Company, Palmyra, N. Y.

GREETING:

WE COMMAND YOU, that all business and excuses being laid aside, you and each of you appear and attend before the WORKMEN'S COMPENSATION BOARD OF THE STATE OF NEW YORK, at 70 Exchange Stree Rochester, New York

on the 26th day of November, 1948, at 2 o'clock in the afternoon of that day, in Part 2 to testify and give evidence in a certain hearing then and there to be held in the matter of the claim for compensation of Raymond E Clemons, claimant, against Garlock Packing Company, employer, on the part of plaintiff.

AND FOR A FAILURE TO ATTEND, you will be deemed guilty of a contempt and liable to the penalties provided in Section 119 of the Workmen's Compensation Law and Section 405 of the Civil Practice Act.

WITNESS: THE WORKMEN'S COMPENSATION BOARD OF THE STATE OF NEW YORK, at Rochester New York, the 22nd day of November, one thousand nine hundred and forty-eight

William L. Clay

AND BRING RECORDS OF ALL DUST COUNTS AND RECORDS OF AMOUNTS OF ASBESTO IN AIR AND CHEMICAL ANALYSIS OF ALL MATERIALS USED IN ROOM WHERE VERA B. CLEMONS WORKED DURING HER EMPLOYMENT.

Form C-26. (8-46)-10M (SB-292)

BEFORE THE WORKMEN'S COMPENSATION BOARD

STATE OF NEW YORK

W.C.B. Case No._____

IN THE MATTER OF THE CLAIM FOR COMPENSATION UNDER THE WORKMEN'S COMPENSATION LAW OF

_____ *Claimant,*

against

_____ *Employer.*

STATE OF NEW YORK,

COUNTY OF_____ } *ss.:*

CITY OF_____

_____, being duly sworn, says: that he is over the age of twenty-one years; that on the_____day of_____, 194____, he served the foregoing subpoena upon_____, the witness therein named, at_____ (Place of Service) by delivering to and leaving with him personally a true copy thereof, and at the same time and place exhibiting to him the original with the signature of _____thereto subscribed, and paying to him the sum of_____as fee for his attendance; that he knew the person so served to be the individual mentioned and described in said subpoena as the person to whom such subpoena was addressed.

Sworn to before me this_____day

of_____, 194____

_____

_____

Notary Public
Commissioner of Deeds

Served on Mr Houghton
at his home at 9:30 p m
November 23, 1948

By Roger Pulver
Police Chief.

BEFORE THE WORKMEN'S COMPENSATION BOARD

STATE OF NEW YORK

W.C.B. Case No. 74802823

IN THE MATTER OF THE CLAIM FOR COMPENSATION UNDER THE WORKMEN'S COMPENSATION LAW OF	
Raymond E. Clemons *Claimant,* *against* Garlock Packing Company *Employer.*	SUBPOENA

THE PEOPLE OF THE STATE OF NEW YORK

To George E. Houghton, Superintendent Textile Dept.
Garlock Packing Company, Palmyra, N. Y.

GREETING:

WE COMMAND YOU, that all business and excuses being laid aside, you and each of you appear and attend before the WORKMEN'S COMPENSATION BOARD OF THE STATE OF NEW YORK, at 70 Exchange Stree Rochester, New York

on the 26th day of November, 1948, at 2 o'clock in the afternoo of that day, in Part 2 to testify and give evidence in a certain hearing then and there to be held in the matter of the claim for compensation of Raymond E Clemons, claimant, against Garlock Packing Company, employer, on the part of plaintiff

AND FOR A FAILURE TO ATTEND, you will be deemed guilty of a contempt and liable to the penalties provided in Section 119 of the Workmen's Compensation Law and Section 405 of the Civil Practice Act.

WITNESS: THE WORKMEN'S COMPENSATION BOARD OF THE STATE OF NEW YORK, at Rochester, New York, the 22nd day of November, one thousand nine hundred and forty-eight

William L. Clay

AND BRING RECORDS OF ALL DUST COUNTS AND RECORDS OF AMOUNTS OF ASBESTO IN AIR AND CHEMICAL ANALYSIS OF ALL MATERIALS USED IN ROOM WHERE VERA B. CLEMONS WORKED DURING HER EMPLOYMENT.

Form C-16. (6-46)-10M (6R-292)

WILLIAM L. CLAY
ATTORNEY AT LAW
POWERS BUILDING
ROCHESTER 4, NEW YORK
MAIN 4733

EAST ROCHES
12 EYER ST

December 20, 1948

Garlock Packing Company
Palmyra, New York

Re: Clemens v. Garlock

Gentlemen:

I have not yet received attorney's fees covering settlemer of Workmen's Compensation claim in the above case.

Please let me know when it will go forward.

Very truly yours,

William L. Clay

WLC:ajr

WILLIAM L. CLAY
ATTORNEY AT LAW
POWERS BUILDING
ROCHESTER 4, NEW YORK

Garlock Packing Company

Palmyra, New York

first opportunity and see if his interpretation of the statute is the same as mine and if there is any question about it, I shall let you know.

It is to be noted that Article 4-a was repealed by Chapter 431 of the Laws of 1947, effective July 1, 1947. However, Section 14 of the repealing act provided in effect that any rights previously accrued under Article 4-a prior to July 1, 1947 shall inure to the benefit of any persons affected thereby as though such Article had not been repealed. This saving clause seems directly applicable to the Clemons claim.

I have arranged to obtain photostats not only of the notice of award but of the claim and medical reports together with Mr. Clay's letter of transmittal to the Board and as soon as they are available we shall prepare our motion papers for leave to serve an amended answer, setting up the compensation proceeding and award as a further defense by way of election of remedy. If we are permitted to serve an amended answer, we shall thereupon move either for a dismissal or for judgment on the pleadings along the line of our discussion with you.

Of course, you understand that we could make no motions until the notice of award went out. We shall keep you advised.

Very truly yours,

STRANG, BODINE, WRIGHT & COMBS

By Chas. W. Green

CWG-ib

* Note: 2/11/49 Mr Green phoned: Regard this letter with question mark. Subsequent talks at Board reveal possibility compensation to children may terminate at age 18. Will advise later, as Ryder investigates
JH

3/10

March 1, 1949

Mr. Charles W. Green
Strang, Bodine, Wright and Combs
800 Powers Building
Rochester 4, N. Y.

Re: Vera Clemons, dec'd. vs.
The Garlock Packing Company

Dear Mr. Green:

Enclosed is photostat copy of corrected notice of decision in the workmen's compensation case. This is the second corrected notice being dated February 24, the first corrected notice being dated February 11.

You will note that the only change over the first corrected notice is that the award is stated "not to exceed $6,500.00" rather than in full amount of $6,500.00. I know you will wish to inform yourself of the reason behind this change if you are not already aware of it.

Very truly yours,

THE GARLOCK PACKING COMPANY

J. R. Aldorf

JRA:IK
Enc.

Cert. (8-46)

WORKMEN'S COMPENSATION BOARD

STATE OF NEW YORK

W. C. B. Case No. [illegible] Vera B. Clemons-dec'd.

NOTICE OF DECISION IN DEATH CASE

Ins. Carrier's No. 62 CORRECTED

Estate of Vera B. Clemons Claimant
135 W. Foster St.
Palmyra, N.Y.

Amer. Lumbermens Mut. (Insurance Carrier)

Garlock Packing Co.
Palmyra, N.Y.
Employer

Atty Wm. L. Clay
~~Powers Bldg.~~
Rochester, N.Y.

You are hereby notified that at a hearing held before the Workmen's Compensation Board on 11-26-48 a decision and award of compensation was made in the above case of Vera B. Clemons decedent as follows:

Name	Address	Relationship	Date of Birth	Percentage	Rate per Week
Claim of husband Raymond E. Clemons, disallowed.					
Elaine Ann Clemons	above address	daughter	1-18-42	15	4.125
Eugene Raymond Clemons	ditto	son	9-16-46	15	4.125
Lucille Vera Clemons	ditto	daughter	9-30-39	15	4.125
					12.375

Occupational condition, notice and causal relation are found as to the children.

Atty Wm. L. Clay fee of $400.00-lien-separate check to be sent.

Award made under Article 4A to children(not to exceed $6,500.00) to cover death benefits.

and the employer and insurance carrier are hereby directed in accordance with the provisions of the Workmen's Compensation Law, to pay such award to the following persons:

To Raymond Edw. Clemons, 135 W. Foster St., Palmyra, N.Y. (Name) (Address)

Father & natural guardian for the use and benefit of the children. (Name) (Address)

and funeral expenses $ 200.00 to Raymond E. Clemons paid by him to undertaker. (Name) (Address)

Employer and carrier are directed to pay at once $685.38 for 217 weeks at $12.375 from date of death 9-29-44 to 11-26-48 19___ direct to the ______ and thereafter ($24.75 bi-weekly.)

Balance of the award is ordered paid into the Aggregate Trust Fund as provided under Section 27 of the law. Present value of the award as ordered paid into the Aggregate Trust Fund as of ______ is $ ______ Present value does not include funeral benefits. Check to be drawn to the order of "State Insurance Fund—Aggregate Trust Fund Account." The Aggregate Trust Fund is to make bi-weekly payments at the rate of $______ beginning with ______ to the ______

The above copy of the decision and award is sent you pursuant to law. TAKE NOTICE that the above award or decision was duly filed in the office of the Workmen's Compensation Board on the 24th day of February 1949 19___

Dated 2-24-49 as ______ 19___

By ______

Mary Donlon
Chairman

C
67

Reduced 7/21/86

WILLIAM F STRANG
GEORGE F BODINE
CORNELIUS P WRIGHT
WILLIAM C COMBS
CHARLES W GREEN
C VINCENT WISER
JOHN C SHAW
NYMAN B FREEMAN
EDWARD W ICKES
ELLSWORTH A VAN GRAAFEILAND
DONALD M HARTER
HAROLD F CURTIS

STRANG, BODINE, WRIGHT & COMBS
800 POWERS BUILDING
ROCHESTER 4, NEW YORK

April 21, 1949.

Mr. J. R. Alsdorf
The Garlock Packing Company
Palmyra, New York

Re: Vera Clemons, dec'd
vs: The Garlock Packing Co.

Dear Mr. Alsdorf:

Replying to your letter of April 19, 1949, Mr. Ryder informed me that the awards had been straightened out to the satisfaction of his company and that arrangements were being made to pay the same. Frankly, I neglected to jot down any figures but it was agreed that the death benefits payable to the children would terminate on each child's attaining the age of 18 years.

This clears the way for the motions that we discussed and we shall proceed to prepare our papers as soon as possible, keeping you advised.

Very truly yours,

STRANG, BODINE, WRIGHT & COMBS

By Chas W. Green

CWG-ib

December 23, 1948

American Lumbermens Mutual
Casualty Company of Illinois
Attn: Mr. George A. Ryder, Comp. Claim
Reynolds Arcade Building
Rochester, N. Y.

Re: Clemons vs. Garlock

Gentlemen:

Enclosed is copy of letter dated December 20 from Mr. William L. Clay, attorney for the claimant in above workmen's compensation case. Also attached is copy of our reply of today's date. Both letters are self-explanatory and we assume that you will handle the matter of claimant's attorney's fees in due course.

Very truly yours,

THE GARLOCK PACKING COMPANY

J. R. Aldorf

JRA:IK
Encs.

cc Mr. Pierce

December 23, 1948

Mr. William L. Clay
Attorney at Law
Powers Building
Rochester 4, N. Y.

Re: Clemons vs. Garlock

Dear Sir:

We have your letter of December 20 relating to attorney's fees in the above proceedings. We are today sending a copy of your letter to the carrier involved, American Lumbermens Mutual Casualty Company of Illinois, which we assume is informed as to the terms of the award and will take action in accordance therewith.

Very truly yours,

THE GARLOCK PACKING COMPANY

J. R. Aledorf

JRA:IK

cc American Lumbermens Mutual
Casualty Company of Illinois
Attn: Mr. Geo. A. Ryder, Comp. Claim
Reynolds Arcade Bldg.
Rochester, N. Y.

Mr. Pierce

J.R.A

Why don't you play the Swan

[illegible]
12-23-4[illegible]

WORKMEN'S COMPENSATION BOARD
STATE OF NEW YORK

W.C.B. 74802523
Case No. Vera B. Clemons-dec'd

NOTICE OF DECISION IN DEATH CASE

Ins. Carrier's No. 13

Estate of Vera B. Clemons Claimant
135 W. Foster St.
Palmyra, N.Y.

Amer. Lumbermens Mut.
Carrier

Carlock Parking Co.
Palmyra, N.Y. Employer

Atty Wm. L. Clay
Powers Bldg., Rochester, N.Y.

Amer. Lumbermens Mut.
Reynolds Arcade Bldg. Roch. N.Y.

You are hereby notified that at a hearing held before the Workmen's Compensation Board on 11-26-48 a decision and award of compensation was made in the above case of Vera B. Clemons decedent as follows:

Name	Address	Relationship	Date of Birth	Percentage	Rate per Week
Elaine Ann Clemons	above address	daughter	1-18-32	10	2.75
Eugene Raymond Clemons	ditto	son	9-16-36	10	2.75
Lucille Vera Clemons	ditto	daughter	9-30-39	10	2.75
					8.25

Occupational condition, notice and causal relation are found as to the children.

Atty Wm. L. Clay fee of $400.00-lien -separate checks to be sent.
Award made under Article 44 to children in full amount $6,500.00 to cover death benefits.
Claim of husband Raymond E. Clemons, disallowed. Case Closed.

and the employer and insurance carrier are hereby directed in accordance with the provisions of the Workmen's Compensation Law, to pay such award to the following persons:

To Raymond Ely Clemons, 135 W. Foster St. Palmyra, N.Y.
Father natural guardian for the use and benefit of the children,
and funeral expenses $ 200.00 to Raymond E. Clemons for paid by him to undert.

Employer and carrier are directed to pay at once $ 1790.25 for 217 weeks at $ 8.25
from date of death 9-29-44 to 11-26-48 19 direct to the
and thereafter ($ 16.50 bi-weekly.)

Balance of the award is ordered paid into the Aggregate Trust Fund as provided under Section 27 of the law. Present value of the award as ordered paid into the Aggregate Trust Fund as of
is $ Present value does not include funeral benefits.
Check to be drawn to the order of "State Insurance Fund—Aggregate Trust Fund Account." The Aggregate Trust Fund is to make bi-weekly payments at the rate of $ beginning with
to the

The above copy of the decision and award is sent you pursuant to law. TAKE NOTICE that the above award or decision was duly filed in the office of the Workmen's Compensation Board on the 21 day of January 1949 19

Dated 1-21-49 19

By

Mary Donlon
Chairman

C
67

1-31-49

Reduced 7/21/86

WILLIAM F STRANG
GEORGE F BODINE
CORNELIUS B WRIGHT
WILLIAM C COMBS
CHARLES W GREEN
C VINCENT WISER
JOHN G. SHAW
HYMAN B FREEMAN
EDWARD W. ICKES
ELLSWORTH A. VAN GRAAFEILAND
DONALD R. HARTER
HAROLD F CURTIS

STRANG, BODINE, WRIGHT & COMBS
800 POWERS BUILDING
ROCHESTER 4, NEW YORK

February 7, 1949.

Mr. J. R. Alsdorf
The Garlock Packing Company
Palmyra, New York

Re: Vera Clemons, dec'd
vs: The Garlock Packing Company

Dear Mr. Alsdorf:

We acknowledge receipt of your letter of February 1, 1949 with the photostat of the notice of decision in the compensation claim.

We fully agree with your comments in the second paragraph of your letter. As a matter of fact we learned that the notice had been held up for some reason - probably to secure an actuarial computation. We assume that pursuant to the usual practice the Board's folder will now be forwarded to the New York Actuary of the Department to compute the present value of the award. After that, a further notice will be sent out stating the amount the Carrier is required to pay in a lump sum covering future payments. Since the amendment of some years back, the carrier is now compelled to pay in one lump sum to the Aggregate Trust Fund to cover all future payments.

With respect to your last paragraph, you are apparently working under the assumption that death benefits are payable to the respective children only until each becomes 18 years of age. This is the provision in Section 16 of the statute. However, Section 66 as it existed at the date of the death contains no such limitation with respect to the age of the children. The second sentence of Section 66 provides for the payment of benefits for temporary or permanent total disability or death from silicosis or other dust disease, "notwithstanding any other provision of this chapter***". However, payment is to be made only to employees *** or to their dependents. This is the reason that the claim of the husband was denied.

I have tried to reach Mr. Ryder since receiving your letter but he is out of town. I shall discuss this angle with him at the

The Garlock Packing Company

PALMYRA, NEW YORK

April 27, 1949

Mr. George A. Ryder,
(American) Lumbermens Mutual Casualty
Company of Illinois,
Reynolds Arcade Building,
Rochester, N. Y.

Re: Vera Clemons, dec'd. vs.
The Garlock Packing Company

Dear Mr. Ryder:

Mr. Charles W. Green has informed us that the final figures for settlement of the above workman's compensation claim proceedings have been determined. We assume this includes the amount of the lump sum payment to be made by Lumbermens Mutual to the Aggregate Trust Fund to cover further payments. We should appreciate being informed of these amounts in order to complete our files.

Very truly yours,

THE GARLOCK PACKING COMPANY

Secretary.

HBF:IK

cc Mr. Elmerf

[redacted] 5/18

(American)

Lumbermens Mutual Casualty Company of Illinois

James S. Kemper, Chairman

Mutual Insurance Building, Chicago 40

REYNOLDS ARCADE BUILDING
ROCHESTER 4, NEW YORK

TELEPHONE
MAIN 1071

May 3, 1949

Garlock Packing Company
Palmyra
New York

Attention: Mr. H. B. Pierce

RE: Vera Clemons, dec.

Dear Mr. Pierce:

The amount of the award in this case will amount to six thousand eighty six dollars and fifteen cents ($6086.15).

This includes all payments to be made for award purposes.

Very truly yours,

George A. Ryder

George A. Ryder
comp. claim

9-32-122

5-4-49 5/4/49

Lumbermens Has Insured Fifty Billion Miles of Motoring

WORKMEN'S COMPENSATION BOARD

STATE OF NEW YORK

NOTICE OF DECISION IN DEATH CASE

W. C. B. Case No.	Name of Decedent	Carrier's Case No.
7480282]	Vera Smith Clemens, Dec'd.	(43)

Claimant: Raymond E. Clemons
135 W. Foster St
Palmyra NY

Garlock Packing Co ✓
Palmyra NY

Atty. Wm. L. Clay
Employer: Powers Bldg
Rochester 14 NY

Florence S. Kemp
25 Main St.
Macedon NY

Elaine & James Mangiamele
135 W. Foster St.
Palmyra NY

You are hereby notified that at a hearing held before the Workmen's Compensation Board on 8/4/54 a decision and award of compensation was made in the above case as follows:

Name	Address	Relationship	Date of Birth	Percentage	Rate per Week
Payments to be made for Lucille F. Clemons to Florence S. Kemp, Court appointed guardian, of 25 Main St., Macedon NY					
Payments to be made for Eugene Clemons to Elaine & James Mangiamele, Court appointed guardians, of 135 W. FosterSt., Palmyra NY					
CLOSED.					

and the employer and insurance carrier are hereby directed in accordance with the provisions of the Workmen's Compensation Law, to pay such award to the following persons:

To .... (Name) .... (Address)

.... (Name) .... (Address)

and funeral expenses $ .... to .... (Name) .... (Address)

Employer and carrier are directed to pay at once $ .... for .... weeks at $ .... from date of death .... to .... 19...., direct to the .... and thereafter ($ .... bi-weekly).

Balance of the award is ordered paid into the Aggregate Trust Fund as provided under Section 27 of the law. Present value of the award as ordered paid into the Aggregate Trust Fund as of .... is $ .... Present value does not include funeral benefits. Check to be drawn to the order of "State Insurance Fund — Aggregate Trust Fund Account." The Aggregate Trust Fund is to make bi-weekly payments at the rate of $ .... beginning with .... to the ....

Death benefits to surviving widow shall be increased to 40% of decedent's average weekly wage base upon termination of death benefits to children.

The above copy of the decision and award is sent you pursuant to law. TAKE NOTICE that the above award or decision was duly filed in the office of the Workmen's Compensation Board on the tenth day of August 19 54

Dated 8/10/54 19 .

By MCB

Mary Donlon
Chairman

C 67 (11-50)

Reduced 7/21/86

Workmen's Compensation Law.

Death benefits

§ 16. 1. Funeral expense to maximum of $200.

2. If surv. wife (or dep't husb.) + no children u/18 (or blind etc.) — 30% average wages or two years comp. in one sum; if child u/18 (or blind etc.), additional 10% of wages to age 18 (subject increase to 15% in case of remarriage of surv. parent; but maximum of 66 2/3 % of wages

3. If surv. children u/18 but no surviving wife (or dep't husb.) then for support of each child to age 18, 15% of wages: max: 66 2/3 %.

Children of Vera Clemons

Name	[illegible] Year born	Benefit [illegible] %	Years from 4/[illegible] to age 18	[illegible] $ ¢
Elaine	1932	1944	5-3	83.55
Eugene	1936	1940	9-11	[illegible]
Russell	1939	1944	13-0	159
				4[illegible]
			Funeral	200
			Atty fee	[illegible]
				4779.

4747
1790
6537

875

At rate $2.75 per week

	D/B	[illegible] 18	D/D		
Elaine	1-18-32	1-18-50	9-29-44	5 yrs 3 m	83.
Eugene	9-16-36	9-16-54	"	9 yrs 11 m	142.
Priscille	9-30-39	9-30-57	"	13 yrs	185
					4119.

~~4719.~~
~~1790~~
~~6509~~

At rate $4.175 per week

Elaine	1249.
Eugene	2140.
Lucille	2788
	6177

Daily Diary of Textile Dept:

V. Clemens

Dec 3, 1942 Assigned to Textile Dec 3, 1942
To work on #3 loom

L At looms most of time.
Heat - none from looms. Very slight heat from friction in twisters in summ
Humidity controlled - put in up to 65% to keep dust down and to make material work better.
now / 1942-43: 55 just { When above 65%, only because whole atmosphere is up.
Thermostats set at 70°. Windows open most of year
Card room 1st is center through which air passes out of building. Any fumes picked up from other depts would go to picker dept or card room. Never 2nd Floor loom room.

Occasionally some odors in picker room, basement, from ~~[illegible]~~ semi-metallic dept. (Coalvessa
Never 2nd Floor.

Exhausts (50 ft cu ft/min) are over the cards (1st Floor. No hoods 2nd Fl. Small exhausts (8 cu ft/min) under A+B cards west end 2nd Floor.

Exhaust system, heat etc same 1942-3 + now

E. G. Houghton: left.
T never complained. No suggestion of bad health. Until shortly before resigned, said incapable of doing job - too hard; but if can make higher rate, would continue

Fellow workers:
Weaver partner, Elizabeth Luke, believes not work here now.

Elizabeth Donohue - still employed
Emma Pogart

No examination first two periods
No call at hospital after 1942 examination
No x-ray: part of routine

Time of visit, Nesbitt said March
who reported Apr 8 patient examin
had cold, cough, aches & pains.
shortness of breath.

Mobile x-ray unit not here during
period of her employment.