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MONSANTO CHEMICAL COMPANY

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WITNESSES:

PAGE NOS:

For the Employer:

Westmann, Dr. Ralph

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O'Dell, Dr. Richard W.

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Employer's Exhibit No. 1

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Employer's Exhibit No. 2

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Reporter's Certificate

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Cleo Smith

Charlton, N. Y.

Cleo Smith

Charleston, W. Va.

vs.

September 7, 1956

Monsanto Chemical Company

Claim No. 13047-209

This claim came on to be heard on this 7th day of September, 1956, at the office of the Commissioner, in the City of Charleston, Kanawha County, pursuant to notice duly given by the Commissioner to and received by all interested parties.

APPEARANCES:

For the Commissioner,

H. W. Calhoun, Esq.,
Trial Examiner.

For the Claimant,

Claimant in person, and
by counsel James B. Peter,
Esq., Attorney at Law,
Charleston, West Virginia.

For the Employer,

By counsel Paul H. Peales,
Esq., Attorney at Law,
Charleston, West Virginia.

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Dr. O'Dell - Cross.

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have existed since 1946, would you be able to attribute those complaints, that is, establish a causal connection between those complaints and the exposure?

A - I couldn't establish a causal relationship for the simple reason I see these same complaints in people who have not been exposed to any chemicals. Therefore I see no reason why these particular complaints would be related to chemical exposure, when I see people with similar complaints out of industry.

Q - Would the fact this man, doctor, as well as other patients which you have examined who have suffered from chemical exposure lead you to infer reasonably that the complaints are associated with the exposure by causal connection or otherwise?

A - No, I don't think so. We have discussed that before, the question of snowballing of

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Mr. C'Dell - Cross.

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these symptoms, and the fact I see these cases quite frequently in the office, so I don't think they are anything unusual.

Q - Isn't it unusual in a man of the claimant's age, who is now 30, I believe?

A - No, sir. I see them in younger men. I have a boy in the hospital now with similar aches and pains who does not work for Mumfords.

Q - Do your patients have them for a period of five to six years?

A - Many of them, yes, sir.

Q - And you don't know what the trouble is?

A - Yes, sir. We feel it is nervous tension. We can't find any physical defect in these people.

Q - You feel it is--

A - (Interrupting): Emotional disturbance.

Q - Is it reasonable to infer this man's complaints are based on the same theory, namely emotional disturbance?

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Dr. O'Dell - Cross.

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A - I think he is quite nervous, because I think he stated in his examination, when I saw him he admits he is very nervous.

Q - Do you think the experience this man had, coupled with the few others who had the same complaints at the same time, could reasonably bring about that emotional disturbance?

A - I couldn't give you a definite answer to that, for the simple reason I stated before it is hard to know what precipitates an emotional disturbance in people, and we see many, many people who have no chemical exposure who have similar symptoms, and it is hard to say where they come from.

Q - Would it be reasonable to assume that such an exposure accompanied by the fact that many others had similar ailments, some of which ailments could be understood but were still unsolved thus far, would

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Dr. O'Dell - Cross.

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that not create emotional disturbance in the average person?

A - Well, delineating the word ailments in my own mind, because I'm not sure there is an ailment, I think it is a fair statement that men who were exposed to chemicals, whether it is at Monsanto or anywhere else, who had the comedones and who talked together and talked over their symptoms, might well develop some worries.

Q - Now doctor, I am sincere in this question, I don't mean it in any other light, but here it seems we have a man who is in the condition of this claimant, who has been examined thoroughly by two men like you and Dr. Nestmann, and still we don't know what is causing his trouble; wouldn't that cause a patient to not only worry but continue to have apprehension about his condition in the future?

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Dr. O'Dell - Cross.

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A - Well, you are assuming that he has trouble, but we haven't found any evidence that he has trouble. This man is nervous, admits to being nervous, worries a great deal. I made a note that he is quite preoccupied with his rash. I note that he is about the only one in the whole group to refuse to fill out the Cornell medical index questionnaire, stating that if it is to be filled out the physician is the one who had to do it because he is being paid for it. These things to me indicate a patient who is quite worried and nervous. I mean no reflecting, we are just bringing out pertinent facts, not anything to be ashamed of.

Q - Then that would indicate a patient that is more likely to be suffering from an apprehension than someone who was not apprehensive to start with?

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Dr. C'Ball - Cross.

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A - I think that's a fair statement. We don't know how long he has been nervous, though.

Q - Just this further question, doctor. Would not this apprehension which this man has or reasonably could have interfered with his capacity and ability to perform his daily work?

A - Only so much as he lets it interfere, because I have housewives, people who work in other chemical plants, men in business, who have similar aches, complain of fatigability, and who, while they come in the office and complain, go ahead and do their work. I think this is a very common thing.

Q - Sometimes don't have the comeliness to go along with their other worry?

A - No, most of them don't.

Q - Just one more question. Doctor, do you not find that your patients are at ease mentally

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Dr. O'Dell - Cross.

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more so when they have a diagnosis of their condition, as compared to a patient that you tell him you can't find out what is wrong with him?

A - Let's reword that. Taking the statement, taking it the way you said it, yes, I would agree, but we usually try to reassure the patient we find no evidence of physical disability and as result of life, strains, home interrelations, home situations and other things that come on in his life, his upbringing, his childhood, all those things enter into his reaction of life. Many times his aches and pains are the result of his life situation and are not a physical disability, and we further try to reassure we can find no evidence of physical disability, which was done with this man. We haven't taken him aside and talked to

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that there is nothing wrong with this
have you pretty well satisfied yourself
denies I have heard, let me say this
type situation, as I understand the
thing in a vague unexplained manner
in other words, as we would leave this
other men that has not been discovered
with Mr. Smith and perhaps some of the
to assume that there is something wrong
not criticizing, but the tendency was
Mr. Jeter's questioning, which I am
or questioned. I noted in the course of
Q - I would like to make one further observation

By Mr. Bowler.

EX-DIRECT EXAMINATION:

That's all we have.

Mr. Jeter:

Yes, for it would serve no purpose.

Dr. C. D. 11 - Cross.

Dr. O'Dell - Re-Direct.

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man physically, first of all?

A - I don't think there is anything wrong with him physically.

Q - Is there any condition existing in Mr. Smith that you feel is an unusual condition?

A - I can find no evidence of any such thing in Mr. Smith's, or any of the others.

Q - I believe that you pointed out that the complaints that he makes probably are based on nervous tension?

A - Yes. For Mr. Smith's information and for the Commissioner's information, if this group of men were the only ones who had these aches and pains and who were fatigued and tired easily and had loss of libido, then I would be very much concerned, but since I see this in practice every day in people who have never been exposed to chemicals then I can only assume that this is merely some more of the same thing.

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Mr. O'Dell - Re-Direct.

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Q - In other words, there is nothing peculiar or mysterious about Mr. Smith's condition?

A - Nothing unusual. It is annoying, but nothing unusual. It is annoying to him, yes. It is annoying to other people who have it.

MR. DOWLES:

I have no further questions.

MR. JETER:

That's all.

FURTHER DEPOSITION SAITH NOT

MR. DOWLES:

I move this case be continued generally.

MR. JETER:

No objection.

MR. CHESON:

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Reporter's Certificate.

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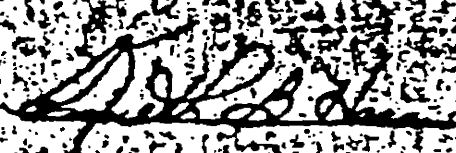
Let the record show the claim is con-
tinued generally.

STATE OF WEST VIRGINIA }
COUNTY OF KANAWHA }

SS.

I, Kenneth B. Haas, Reporter, having
been duly sworn, hereby certify that I did take
the foregoing evidence by the use of stenographic
notes and characters, and that the same have been
fully transcribed by me into the English Language.

I further certify that this is all of
the evidence taken by me at the hearing held in
the claim of Cleo F. Smith, Claim No. 18047-200,
at the office of the Commissioner in the City of
Charleston, Kanawha County, on the 7th day of
September, 1933.



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