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STATE COMPENSATION
COMMISSIONER

WORKMEN'S COMPENSATION APPEAL BOARD

FEBRUARY SESSION 1948

MIDJOLANDEUM

The following cases, each involving an appeal by the claimant from a final order of the Commissioner denying an award for permanent partial disability, are all based upon alleged disabilities resulting from exposure in 1949-1952 to a chemical compound known as 2,4,5-T, a herbicide designed to kill woody type plants, while working at the Micro plant of Monsanto Chemical Company.

APPELLANTS

Ervin Bailey
Geoff Cunningham
Louis Williams
Carl Manning
Earl Harris
Jasper Mayberry
C. F. Jeffers
Allen Lane
James C. Mathison
Ruthie Morris
Fred McClambin
E. V. Miller
Curtis E. Fordemaria
Ray Richardson
L. E. Ricks
William E. Sisson
A. D. Risher
Clara Smith
Donald Server
Glen Thomas
Homer Thomas
Brady Williams
Leland Wright
Harold Young

APPEAL NO.

4929-A
4949-A
4932-A
4934-A
4927-A
4920-A
4922-A
4935-A
4924-A
4923-A
4923-A
4932-A
4924-A
4934-A
4942-A
4924-A
4921-A
4941-A
4919-A
4934-A
4931-A
4922-A
4922-A
4933-A

CLAIM NO.

14043-178
13943-152
13081-199
13954-199
13496-106
14075-16
13084-36
13943-133
13973-133
13828-218
13943-148
13062-171
13033-224
14064-42
13973-186
14009-176
13183-178
13047-209
13443-190
13974-87
13984-49
13493-179
13874-8
13943-36

The medical history of each case is similar. There was an initial skin eruption or irritation, resulting in sometimes appearing at various places on the body. The victims became progressively more and then, after approximately a year's time, as the employer removed contaminated equipment and reduced exposure hazards and the victims

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were treated medically, the skin rash or eruptions declined, and there was progressive improvement. Subsequently, each of the claimants gave medical examiners similar case histories of bizarre complaints and ailments but none of them appears to have been substantially disabling. All of the 24 claimants were examined by a Special Medical Examining Board, consisting of two qualified internists and a qualified dermatologist, chosen by the Commissioner, from a list submitted at the request of claimants' attorneys. In each case, this Special Board, after careful examination of each claimant and evaluation of each record, concluded that there was and is, no permanent disability resulting from claimant's said occupational exposure.

Of the 24 cases listed above 22 of the claimants were also examined by Dr. R. H. Newman, a qualified internist, and 16 of them by Dr. Richard M. O'Dell, who has specialized with reference to liver diseases or damage and blood sugar disturbances. One of said claimants (Orel McClamham), along with three other exposure victims who do not have appeals pending at this time, was especially studied by Drs. R. E. Baskind, a dermatologist, and W. F. Ashe, internist, of the Kettering Laboratory in the Department of Preventive Medicine and Industrial Health, College of Medicine, University of Cincinnati, Cincinnati, Ohio. These examiners reached the same conclusion as said Special Medical Examining Board.

The least disclaimer among the medical examiners was Dr. R. O. McIlwain, a dermatologist of Charleston, West Virginia, who recommended permanent partial ratings in each case. His diagnosis and recommendation in each case is as follows:

Ervin Bailey	- dystrophia cerebra	30%
Carl E. Cunningham	- hyperostosis	30%
Leslie A. Williams	- hypoglycemia	30%
Carl Blasing	- hyperostosis and peripheral neuritis	30%

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61	62	63	64	65	66	67	68	69	70
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81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

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Upon argument before the Appeal Board, claimants' counsel apparently persuaded Dr. Haldeman's theory of damage to internal organs, relied strongly upon the untimely receipt of blood by the emergency respondents.

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Upon argument before the Appeal Board, claimants' counsel apparently abandoning Dr. Waller's theory of damage to internal organs, relied strongly upon the untimely reaction induced by the exposure experience,

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contending that no one knows what the future holds for the claimants and they are apprehensive of future disability stemming from such experience.

One of the claimants, who were specially studied by Dr. Suckind, and also examined by the Special Medical Examining Board, by Dr. R. H. Newman, and by Dr. Halloran, was Ival McClanahan. Attached hereto is the Appeal Board's opinion in his case. It is considered applicable to the other 23 claimants listed above, and is adopted as controlling in each case in so far as the Board therein discusses and considers the various facts and propositions presented.

No one case stands out from the others and claimants' counsel was unable to direct the Board's attention to any particularly different result of the exposure. In each case claimants faced the problem of proving permanent partial disability by competent medical testimony. In each case the decided weight of the medical evidence was against permanent disability of any kind attributable to the exposure. Attention is especially directed to the testimony of Dr. Raymond A. Suckind, taken before R. J. Canterbury, Trial Examiner at the Commissioner's office in Charleston, West Virginia, November 29, 1956 in the case of L. A. Hallman, et al., Claim No. 13085-139, when he was examined by employer's counsel and cross-examined by counsel for claimants. His testimony (see Transcript, 24 pages) pertains to the progress of many of the cases and provides a good history of the disease, showing its origin, growth and abatement.

The Commissioner is therefore to be affirmed and permanent partial disability denied in each case.

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WORKMEN'S COMPENSATION APPEAL BOARD

FEBRUARY SESSION 1958

IVAL McCLANAHAN, Appellant

APPEAL NO. 4523-A

v.

CLAIM NO. 12443-141

STATE COMPENSATION COMMISSIONER
AND MONSANTO CHEMICAL COMPANY,
Appellees

OPINION OF THE BOARD

Claimant appeals from an order of the Commissioner denying him an award for permanent partial disability as a result of exposure to chemicals or chemical combinations, and more particularly to those chemicals used in the manufacture of a product known as 2-4-D-T, a herbicide specifically designed to kill woody type plants.

Claimant was employed at the Monsanto Chemical Company on March 2, 1949, when, due to some unexplained cause, the contents of an container were forced into the atmosphere. The released material settled upon the buildings and premises generally and many employees were exposed directly to it. Clean-up operations began immediately, and the men so engaged, including the claimant, Ival McClanahan, were likewise exposed to the released material. Almost at once employees began to experience skin eruption and irritation, which was diagnosed as acne or chlo-accne. Claimant McClanahan says he suffered from nausea and vomiting and swelling of his face. He was referred to Dr. Hunter Boggs, a dermatologist, for examination and treatment. Thereafter, he attempted to work for one to two weeks but his skin condition grew progressively worse, and he was off from work continuously until December 1949, about a period of eight to nine months. After returning

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he, he attempted to work for one to two weeks but his condition grew progressively worse, and he was off from work continuously until December 1949, about a period of eight to nine months. After returning

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Joni McClanahan

Appeal No. 4923-A

to his job, flare-ups of his skin condition caused intermittent work stoppages, and in the fall of 1952 he quit his employment at the Memphis plant. During the period from March 1949 until he quit in 1952 claimant was a plumber and his work did not confine him to any particular area of the plant.

From an overall study of the case histories and the reports of medical examiners it appears that claimant Joni McClanahan (as well as many other employees) suffered skin rash or boils or other skin eruptions within twenty-four hours after the first exposure to the 2-4-6-T material released by the ametrane in March 1949; that comedones then appeared or spread over his face and body, without any particular pattern, and his skin condition became progressively worse for about one year. Treatment and change in exposure conditions appeared to alleviate claimant's condition but flare-ups occurred from time to time, and the report of the last medical examination (November 26, 1953) reveals scars of old comedones located variously on claimant's body, and mild to active comedones about the temporal and maxillary areas of claimant's face, with scattered papular and cystic lesions on shoulders, back, buttocks and thighs, of minor degree, and of little concern to claimant. After becoming worse during the first year, claimant's skin condition was progressively improved in 1951 and 1952. After leaving the Memphis plant claimant worked elsewhere as a plumber and there has been very little exacerbation.

Other complaints or reported ill effects of the claimant were that sometime after the onslaught of the skin rash he had pains or weakness of back and arms and legs which occurred in a strange manner and irrespective of work or rest, and that he suffered loss of libido for about

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Other complaints of reported skin disease were
sometimes after the sunlight of the skin rash he had pains or weakness
of back and arms and legs which occurred in a strange manner and
irrespective of work or rest, and that he suffered loss of shade for about

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Paul McClamban

Appeal No. 4923-A

a year after March 1949, with subsequent nervousness, occasional
insomnia, sweating, and irritability.

In addition to Dr. Munro Beggs, claimant has been examined,
studied and treated by: Dr. R. M. Siskind, a dermatologist, and Dr.
W. F. Ashe, an internist, at Kettering Laboratory in the Department of
Preventive Medicine and Industrial Health, College of Medicine,
University of Cincinnati, Cincinnati, Ohio; by Dr. M. L. Bear; Dr.
R. C. Halloran; Dr. R. M. Neumann, an internist; and the Commissioner's
Special Medical Examining Board, consisting of Drs. Henry Warden, Jr.,
and John E. Stone, internists, and Dr. Francis C. Prunty, dermatologist,
appointed at the request of, and from a list of qualified physicians submitted
by, 33 of the chlor-acne victims and the employer. He was requested to
report to Dr. Richard O'Dell for further examination but apparently
declined.

Claimant was paid on a temporary total disability basis for
29 3/7 weeks, but the Commissioner has denied him a permanent partial
award, and it is from such denial that appeal has been taken to this Board.

The issue of whether or not there is permanent partial
disability must necessarily be determined upon the weight of the medical
reports and opinions. The Special Examining Board, after a thorough
examination of claimant, concluded "It is our combined and considered
opinion that there is no permanent disability in this individual," while
Dr. Neumann reports some comedones and scars but no organic or
systemic residuals due to the exposure to 2-4-D. Dr. Siskind, who
with Dr. Ashe, made progress studies of the chlor-acne cases, including
that of claimant, reported marked improvement of the earlier skin

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systemic residuals due to the exposure to 2-4-DT. Dr. [redacted], who
with Dr. Asha, made progress studies of the chlor-acc cases, including
that of claimant, reported marked improvement of the earlier skin

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Juel McClammon

Appeal No. 4923-A

testimonies or opinions and concluded that, though in the beginning there
was systemic intoxication, there was no continuing, prolonged, or
permanent systemic involvement; that the skin lesions became mild,
that they do not reflect, nor are they accompanied by, disturbance of
internal organs of the body, and that neither this claimant nor other
victims sustained have any permanent disability from the exposure involved.

The lone dissenter among the medical examiners is Dr.
R. O. Halloran, a dermatologist, who expressed the opinion that claimant
has suffered damage to his nervous system, a sort of "polyneuritis" and
that he has a damaged liver due to systemic affect of the exposure. He
recommended a permanent partial award of 30%. Dr. Halloran's
reports and opinions were evaluated by Dr. J. W. Cane, professor of
internal medicine at the University of Michigan Medical School, and an
internationally known specialist in carbohydrate metabolism, lipid
metabolism, and endocrinology. Dr. Cane concluded there was no
evidence of hypoglycemia, or hyper-insulinism, no evidence of any
permanent liver damage (except one case which was not this claimant's),
no evidence of systemic chemical intoxication, no objective evidence
of nerve damage, no evidence of damage to the pancreas caused by
chemical exposure, no disturbance of carbohydrate metabolism by
presence of chlor-acc on the skin, and that Dr. Halloran's interpretations
were neither consistent nor sound.

It is to be noted that, upon appeal, claimant's counsel did
not rely upon Dr. Halloran's findings or opinions concerning liver damage
but contended instead that the permanent residuals consist of an anxiety
complex or neurosis that recurringly disables claimant, or is likely to
interfere with his future health and employment. This argument is not

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David McClellan

Appeal No. 4923-A

based upon objective findings (even Dr. Mallory's polymorpha presupposes an actual inflammation) but upon the subjective complaints of the claimant.

Upon consideration of the long medical record involved the Appeal Board concludes that the Commissioner should be affirmed for the following reasons: (1) the decided weight of medical opinion is that there is no permanent systemic involvement, and no disturbance of, or injury to, any internal organ of the body attributable to the chemical exposure, (2) the corns are surface or skin infections or irritations and the victims, including claimant, have improved to the point of ending all temporary disability resulting therefrom, and (3) while heretofore compensation has been allowed in a few cases of psychiatric overlay or nervous or anxiety reactions following injury or disease, there has, in such instances, been some demonstrative evidence resulting in the medical opinion of competent examiners that the disability was actual and real, and not mere reliance upon something less than extreme subjective complaints. It is true that this claimant may harbor fears that his skin disease may return or he may be seriously affected hereafter. Such fears however do not seem to have substantially interfered with his work. They appear to be based on fear of the unknown, - but fear of the unknown is not uncommon among the public generally. It is not an occupational hazard peculiar to the chemical industry. An award based on such fear or anxiety would be one based on mere speculation.

Being of such opinion the Appeal Board will affirm the Commissioner.

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