

COPY
MF

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 reel. 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.

Conclusion: 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/ E. J. Moskowitz, M. D.

/t/ E. J. Moskowitz, M. D.

NE:IG
Enc.

NAME Birth Data Mrs. Raymond E. Clemmens		NO. 6577 70529	
ADDRESS R.F.D. #3		CHANGE OF ADDRESS	
Palmyra, N.Y.			
NATIONALITY Am	COLOR	SEX Female	MARRIED, SINGLE OR WIDOWED Single
HEIGHT 58 5"	WEIGHT 140	COLOR HAIR	EYES
DEPENDENTS (WIFE OR DEPENDENT HUSBAND)		May 25-1902	
(CHILDREN UNDER 18 YEARS OF AGE - GIVE DATE OF BIRTH)		USE INTOXICANTS? (YES OR NO)	
PREVIOUS DISABILITY		GRANDCHILDREN, BROTHERS OR SISTERS UNDER 18 YRS. PARENTS OR GRANDPA	
DEFECTS - IF ANY (DESCRIBE IN DETAIL)			
REMARKS			

PREVIOUS EMPLOYMENTS

[illegible]

May-20-1918 EMPLOYMENT RECORD

[illegible]

REMARKS *House of observer. No. 100 7-31-28*
DATE LISTED *17* *11-11-28* *6-29-29*
OR DISCHARGED

ACCIDENTS

[illegible]

EMPLOYEE'S SIGNATURE

L'una Sordida

WITNESSED BY

INTERSECTION SHOULD BE SIMULTANEOUS FLAY

0-61-20-1-12

GARLOCK EM

EE RECORD

G.P. Co. 1506

NAME Mrs. Vera Smith Clemons			Clock No. 660		
ADDRESS 135 West Foster Street Palmyra, N.Y.			Phone No.		
In Case of Accident Notify Ray Clemons Same Address					
Education Grammar		Trade None	Date Hired 5-20-18		
Height 5' 4"	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	Resigned 5-20-18	5-20-18		10.00
		Resigned 6-24-18	7-8-18		11.00
			10-19-18		12.00
			9-1-19		13.00
			4-5-20		15.00
		Resigned 5-20-18	7-31-1921		
Textile Dept.	Creel Operator	Back 12-3-42	12-3-42	.45	18.00
			1-10-43	.50	20.00

[illegible]

No. 4
Factory pay roll change card covering
separation of the decedent on
November 26, 1943.

THE GARLOCK PACKING COMPANY—FACTORY PAYROLL CHANGES

ROUTING: GENERAL MANAGER

NAME: Vera Clemons DEPT: Textile CLOCK NO. 650

JOB: Weaver RECOMMENDATION FOR INCREASE: 310 MACH. CODE: 260 DATES: Rehire Dec. 3, 1942

PERS. REC. DIV. COST DIV. FACTORY OFFICE FILE

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, 1943

Div. Mgr. App. PRODUCTION MGR. App. GENERAL MGR.

DEC 3 - 1943

WAGE STATEMENT

The basis of compensation under the New York Workmen's Compensation Law is the average daily wage earned by an injured employee during the week year or a substantial part of the year prior to the accident and in the same occupation. If the injured employee has not worked as the same work for a year or a substantial part thereof, then the rate is determined by taking the average of another employee of the same class who has worked the whole or substantially the whole of each 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 amounts earned (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.

This is to certify that I, Mrs. Verne S. Clemons,
(Name of person certifying)
 am the owner of Verne S. Clemons
(Name of office or position held) of Verne S. Clemons
(Name of employer)
 at Verne S. Clemons
(Number, Street, City, or Town) employer of Verne S. Clemons
(Name of injured person)
 injured on or about 1942
(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 as Verne S. Clemons during the period 1942 to 1943.

"B" I have examined the payroll of said employer and find that Verne S. Clemons 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 Verne S. Clemons another employee of the same class employed by the same employer who did work a substantial part of each year in the same or similar employment.

Signed by _____

Official Position _____

WEEK ENDING				Days Worked	Amount Paid including all Overtime		WEEK ENDING				Days Worked	Amount Paid including all Overtime		WEEK ENDING				Days Worked	Amount Paid including all Overtime	
Month	Day	Year					Month	Day	Year					Month	Day	Year				
Dec	5	1942			7.20	19	Apr	10	1943		4	36	Aug	7	1943					
	12				18	20		17			24.61	37		14					24	
3	19				21.66	21		24			21.58	38		21					27	
4	26				42.8	22	May	1			28.19	39		28					27	
5	Jan 2	1943			19.77	23		8			16.57	40	Sep	4					29	
6		9			22.14	24		15			32.01	41		11					33	
7		16			23.74	25		22			29.77	42		18						
8		23			22.28	26		29			29.98	43		25					19	
9		30			14.24	27	June	5			29.50	44	Oct	2					30	
10	Feb	6			24.23	28		12			28.86	45		9					26	
11		13			19.28	29		19			28.24	46		16					27	
12		20			20.49	30		26			20.78	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			29.67	34		24			31.05	51		20					28	
17		27			30.83	35		31			29.69	52		27					4	
	Apr	3			29.53	36														

Entire Total \$ 1281

WAGE STATEMENT

The basis of compensation under the New York Workers' Compensation Law is the "usual" daily wage earned by the injured employee during the whole year or a substantial part of the year prior to the accident and in the same occupation. 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 the average of another employee of the same class who has worked the whole or a substantial part of each 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 amount earned (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 tab following these forms should be carefully prepared and certified.

New York

This is to certify that I, Mrs. Maria S. Oliphant

(Name of person certifying)

Am 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

(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 as _____ 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 each year in the same or similar employment.

Signed by

Official Position

WEEK ENDING				Days Worked	Amount Paid Including all Overtime	WEEK ENDING				Days Worked	Amount Paid Including all Overtime	WEEK ENDING				Days Worked	Amount Paid Including all Overtime
Month	Day	Year				Month	Day	Year				Month	Day	Year			
1	Dec	5	1942		7 20	19	Apr	10	1943		4 2	28	Aug	7	1943		1
2		12			18	20		17			24 61	31		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 01	41		11			33
7		16			23 74	25		22			29 77	42		18			
8		23			22 28	26		29			29 98	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 98	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			28
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			24
	Apr	3			29 53												

Total

Total

Total

Entire Total \$127.00

WAGE STATEMENT

On the basis of information furnished by the Bureau of Labor Statistics, the Commission has determined that the average number of hours worked by the employees of the Bureau of Labor Statistics during the whole year of 1934 is 1,712 hours, and the average number of hours worked by the employees of the Bureau of Labor Statistics during the whole year of 1935 is 1,712 hours. The Commission has also determined that the average number of hours worked by the employees of the Bureau of Labor Statistics during the whole year of 1936 is 1,712 hours, and the average number of hours worked by the employees of the Bureau of Labor Statistics during the whole year of 1937 is 1,712 hours. It is necessary, therefore, to show by weekly periods the number of days worked and the amount of overtime (including all overtime) for 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.

100 New York 1910

THE STATE OF CALIFORNIA: COUNTY OF LOS ANGELES.

36

[illegible]

KAP

1940-1941

have examined the payroll of said employer and find that the same is correct and that the same is in accordance with the records of the employer.

worked and the wages earned by _____ another employee of the same time employed

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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[illegible]

Entire Total \$ 125.19

, NEW YORK

No. May Six:th

The factory records show that she was re-employed December 5, 1942 and resigned or was laid off November 26, 1943. 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. Clemons from December 5, 1942 until she was removed from our payroll.

U. S. N. A. 1910

WAGE TO :

cc: Miss. Governor

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:

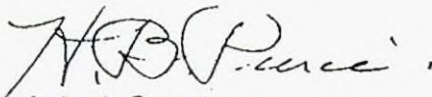
Responding to your telephone request to our Miss Govenor, factory nurse, we give you below the record of the employment of the above subject party as shown on our records:

First employed	- May 20, 1915
Resigned	- July 31, 1928
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


Assistant Secretary

HBP:WKG:10

The Garlock Packing Company

PALMYRA, NEW YORK

January 8, 1947

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

Re: Raymond E. Glemons as Limited Administrator
of the Estate of Vera E. Glemons, deceased
vs: Garlock Packing Company

Dear Mr. Green:

This letter will introduce Mr. James E. 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 Glemons 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) Lumbermen's Mutual Casualty Company Workmen's Compensation Policy No. YC2,984,368 covering 1944; also Policy No. YC2,893,115 covering 1943. Although Mrs. Glemons 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 Lumbermen 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. Gleason at the time of her death. Although the Lumbermen 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.

KRP:CH

Encls.

COMPENSATION BOARD
NEW YORK

W.C.B. Case No. 74802825

*Heard on Mr. Knight
at her home at 930 p.m.
November 23, 1948*

NDER

mant, SUBPOENA

loyer.

*by James P. Loeber
Police Court*

STATE OF NEW YORK

ndent Textile Dept.
Nyra, 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 Street
Rochester, New York
on the 26th day of November, 1948, at 2 o'clock in the forea 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

[Signature]
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.

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

against

Claimant,

SUBPOENA

Garlock Packing Company

Employer.

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 Street
Rochester, New York

on the 26th day of November, 1948, at 2 o'clock in the evening 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 ASBESTOS
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. _____

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 _____ by delivering to and leaving with him personally a
(Place of Service)
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

JH

By Homer Palmer
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
against

Claimant,

SUBPOENA

Garlock Packing Company

Employer.

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 Street
Rochester, New York

on the 26th day of November, 1948, at 2 o'clock in the evening 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 ASBESTOS
IN AIR AND CHEMICAL ANALYSIS OF ALL MATERIALS USED IN ROOM WHERE VERA
B. CLEMONS WORKED DURING HER EMPLOYMENT.

WILLIAM L. CLAY

ATTORNEY AT LAW

POWERS BUILDING

ROCHESTER 4, NEW YORK

MAIN 4733

EAST ROCHESTER
12 EYER BUILDING

December 20, 1948

Garlock Packing Company
Balmyra, New York

Re: Clemens v. Garlock

Gentlemen:

I have not yet received attorney's fees covering settlement
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

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. Alsdorf

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. Alsdorf

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.P.A.

Why don't you
play the man


12-23-48

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.
(Insurance Carrier)✓ Garlock Packing Co.
Palmyra, N.Y. EmployerAtty 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
Occupational condition, notice and causal relation are found as to the children.					\$8.25
Atty Wm. L. Clay fee of \$100.00—lien—separate checks to be sent.					
Award made under Article 4A 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 E. 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 ~~tax~~ paid by him to undertaker.

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 Doubin
Chairman

C
67

MBP
1-21-49

Reduced 7/21/86

WILLIAM F. STRANG
GEORGE F. BODINE
CORNELIUS R. WRIGHT
WILLIAM C. COMBS
CHARLES W. GREEN
C. VINCENT WISER
JOHN G. SHAW
MYMAN S. 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.

X
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

To: Mr. J. R. Alsdorf
Re: Vera Clemons

-2-

2/7/49

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,

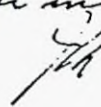
STRANG, BODINE, WRIGHT & COMBS

By



CWG-1b

* 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



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. Alsdorf

JRA:IK
Enc.

WORKMEN'S COMPENSATION BOARD
STATE OF NEW YORK

W. C. B.
Case No. 74801813 Vera B. Glomons-dec'd.

NOTICE OF DECISION IN DEATH CASE

Ins. Carrier's No. 42 **CORRECTOR**

Estate of Vera B. Glomons 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. Glomons decedent as follows:

Name	Address	Relationship	Date of Birth	Percentage	Rate per Week
Claim of husband Raymond E. Glomons, disallowed, CLOSED					
Klaine Ann Glomons above address	ditto	daughter	4-18-42	15	4.125
Eugene Raymond Glomons	ditto	son	9-16-46	15	4.125
Lucille Vera Glomons	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 \$400.00-1150-separate check to be sent.

Award made under Article 44 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 E. Glomons, 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. Glomons paid by him to undertaker.

Employer and carrier are directed to pay at once \$685.38 for 217 weeks at \$3.1575 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

Dated 2-24-49 at _____ 19____

By _____

Mary Doubin
Chairman

C
67

Reduced 7/21/86

WILLIAM F. STRANG
GEORGE F. BODINE
CORNELIUS R. 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

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 _{1B}

CWG-1b

file

The Garlock Packing Company

PALMYRA, NEW YORK

April 22, 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. Alsnorf

(American) 5/18
Lumbermens Mutual Casualty Company
of Illinois

James S. Knappe, 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



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.
74802823	Vera Smith Clemens, Dec'd.	(43)

Claimant: Raymond E. Clemens
133 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 Mangiamelo
133 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. Clemens to Florence S. Kemp, Court appointed guardian, of 25 Main St., Macedon NY					
Payments to be made for Eugene Clemens to Elaine & James Mangiamelo, Court appointed guardians, of 133 W. Foster St., 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 JOG

Mary Doulin
Chairman

C
67

(11-54)

Reduced 7/21/86

Workman's Compensation Law

Death benefits

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

2. If surv. wife (or dep't husk) + no children $\frac{1}{18}$ (or blind etc) - 30% average wages for two years comp in one sum; if children $\frac{1}{18}$ (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 $\frac{1}{18}$ but no surviving wife (or dep't husk) then for support of each child to age 18, 15% of wages; max: 66 2/3%.

Children of Vera Clemons

Name	Born	Parent's %	Years from 1/18 to age 18	Time for
Clair	1932	1944	5-3	\$83.35
Eugene	1936	1944	9-11	\$142.28
Russell	1939	1944	13-0	\$155.97
				479.50
		Funeral		200
		Att'y fees		400
				479.50

7/1/58

$$\begin{array}{r} 275 \\ 550 \\ \hline 13250 \end{array}$$

$$\begin{array}{r} 550 \\ 275 \\ \hline 13250 \end{array}$$

$$\begin{array}{r} 143 \\ 13 \\ \hline 429 \\ 143 \\ \hline 1859 \end{array}$$

$$\begin{array}{r} 825 \\ 2175 \\ \hline 3175 \\ 825 \\ \hline 1660 \\ 1790.25 \\ \hline 825 \end{array}$$

$$\begin{array}{r} 275 \\ 550 \\ \hline 13250 \end{array}$$

$$\begin{array}{r} 275 \\ 550 \\ \hline 13250 \end{array}$$

At rate \$2.75 per week

	d/b	begin	d/b		
Elaine	1-18-32	1-18-50	9-29-44	18 yrs 3m	833.
Eugene	9-16-36	9-16-54	"	9 yrs 11m	1427.
Lucille	9-30-39	9-30-57	"	13 yrs	1859
					4119.

~~4219.1~~
~~1790~~
~~6509.1~~

At rate \$4.175 per week

Elaine	1249.8
Eugene	2140.8
Lucille	2788.1
	6179.

Daily Diary of Textile Dept:

V. Clemens

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

1. At looms most of time.

Heat - none from looms. Very slight.

Heat from friction in twistors in same

Humidity controlled - put in up
to 65% to keep dust down and
to make material work better.

7 am } When above 65%
1942-43-55 } whole atmosphere is up.

Thermostats set at 70° Windows
open most of year

Card raising is center through
which air passes out of
building. Any frames picked
up from other depts would
go to picker dept or card
room. Never 2nd floor loom
room.

Occasionally some shors in picker
room, placement from ~~box~~
semi-metallic dept. (Coolsessae
Never 2nd floor.

100 ft min.
Exhausts are over the cards (1st floor)
No hoods 2nd fl. Small exhausts
(800 ft min) under A & B cards west end
2nd floor.

Exhaust system, heat etc same 1942-3 & now

E. G. Haughton: left.

T. Never complained. No suggestion
of bad health. Until shortly
before resigned, said incapable
of doing job - too hard; but if could
make higher rate, would continue.

Fellow workers:

Weaver partner, Elizabeth Luke, Walworth
does not work here now.

Elizabeth Donohue - still employed
Emma Bergant

No examination first two periods
No call at hospital after 1942 examination.
No xray: part of routine

Time of suit, ~~at~~ Nestitt called March
who reported Apr 8 patient examine
had cold, cough, aches & pains.
shortness of breath.

Mobile xray unit not here during
period of her employment. ~~the~~
~~before~~