

November 4, 1960

Mr. Thomas P. Wellman
Attorney at Law
108 N. Park Ave.
Warren, Ohio

WORKMEN'S COMPENSATION OCCUPATIONAL DISEASE (ASBESTOSIS)
CLAIM - WILLIAM E. LATTO, 1073 HAZEN ST., WARREN, OHIO

Dear Mr. Wellman:

Mr. Riske has forwarded your letter of October 27, Mr. Latto's letter of October 27, together with two copies of Claimant's Report of Occupational Disease requiring our completion and execution of Part II, for filing with the Ohio Bureau of Workmen's Compensation.

It is the policy of our company to assist employees in obtaining every Workmen's Compensation benefit to which they are entitled. The policy applies particularly to Mr. Latto who has been excellent and loyal employee for many years. Therefore, we are concerned over the fact that the earnings of Mr. Latto have not been reported on our pay roll reports to Ohio. If the claim is filed in Ohio, our answer to question 4, Part II, would have to be negative. Unless there is some reciprocity between Ohio and West Virginia or Ohio and Pennsylvania, we wonder whether the Ohio Bureau would deny jurisdiction and liability.

While Mr. Latto resides in Ohio, he was hired and controlled by our Pittsburgh Office, and has worked in recent years only in West Virginia or Pennsylvania. Following Rule XXIII of the Ohio State Workmen's Compensation Insurance Fund Manual, we have reported and paid as follows:

1957 through 1959	West Virginia
Week ending 5/3/60	"
5/16/60 through 7/29/60	Pennsylvania



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West Virginia, of course, is a captive state and we paid into its State Insurance Fund. In Pennsylvania, we are privately insured with Pennsylvania Manufacturers' Association Casualty Insurance Company (Policy No. PC 509523) to whom we report our Pennsylvania pay roll and pay premiums accordingly.

Mr. Latto and our Company had no mutual agreement to be bound by the Workmen's Compensation Law of any particular state.

Mr. Latto's letter indicates that he first notified the Company of his condition in April, 1959 while working in West Virginia. He became disabled in July, 1960 while working in Pennsylvania.

I believe we have had no asbestosis claims in West Virginia, and I do not know the provisions of its laws. However, we know that under the Pennsylvania Occupational Disease Act effective January 30, 1960, compensation for silicosis, anthracosis or asbestosis is payable only when it is shown that the employee has aggregated at least two years employment in Pennsylvania during a period of ten years next preceding disability in an occupation having a silica or asbestos hazard. Our records at Cincinnati do not go back ten years, but Mr. Riako can help you with records on file at Pittsburgh.

Please do not hesitate to ask for further information. By copy heretofore, we are asking our actuaries at Columbus to furnish any advice they have.

We will hold both copies of the Claimant's Report until the best procedure has been determined.

Sincerely,

L. A. Fuchstein
Assistant Secretary

cc: John T. Cantlon
A. P. Riako - Pittsburgh