

Inter-Office Communication

Armstrong Cork Company

To Mr. J. E. Morrissey
From C. W. Sanderson
Subject Silicosis Cases

March 31, 1948

There are ten known cases of silicosis or asbestosis among employees actively employed in the Floor Plant as of today. The following employees who are known to have silicosis have short service in the Floor Plant and it can be definitely established that the condition was not acquired as a result of exposure to harmful dust in the Plant:

Paul E. Mill	Inlaid
Edwin Wiesler	Rotary Stoves
Harry Gifford	Cement Preparing
Raymond Kline	Yard

The above employees have been transferred to other jobs where exposure to dust will not aggravate their condition, but we feel that they are definitely not compensable cases.

The following employees have had long service with Armstrong's and it is reasonable to believe that there was sufficient exposure to harmful dust while in the Company's employ to indicate at least moral responsibility on the Company's part.

Charles McConly	Rotary	Salary	Age 57
Frank Iannello	Lacquer	Hourly	Age 57
Joseph Sebastian	Inlaid	Hourly	Age 50
Martin G. Goshkey	Inlaid	Hourly	Age 46
Charles E. Keen	Asphalt Tile	Hourly	Age 50
Barry W. Wolfe	Cement Prep.	Hourly	Age 36

The second group of employees were all employed prior to the passage of the Occupational Disease Act of 1939, and it is the opinion of the General Personnel Department that these employees have no legal claim to compensation from the Company. Regardless, it is the Company's established policy to accept liability for such cases and to pay compensation on the same basis as would be paid if legal liability existed. We know that these men were exposed to harmful dust over a period of years, ending in the early 1930's. Because of this, these employees have been X-rayed annually for some years.

Paragraph 2, Section 301, of the Occupational Disease Act of Pennsylvania reads as follows:

"The maximum compensation payable under this article for disability and death resulting from silicosis, anthracosis, or asbestosis shall not exceed the sum of four thousand dollars (\$4000), which shall be full and complete payment for all disability, present or future, or for death from such occupational diseases arising out of employment by any and all employers in this Commonwealth."

EC-003419

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To Mr. J. E. Harrison

March 31, 1948

From

Subject

Under existing Company policy, employees who are accepted as compensation cases for silicosis are paid up to the maximum of \$4000, but payments do not begin until after total disability occurs. It is also the Company's practice to continue payment after death of the employee, not to exceed the balance of the \$4000, where there are surviving dependents.

Paragraph 2(e), Section 301 of the Occupational Disease Act of Pennsylvania reads as follows:

"Compensation shall not be payable for partial disability due to silicosis, anthraco-silicosis, or asbestosis. Compensation shall be payable, as otherwise provided in this act, for total disability or death caused solely (as definitely distinguished from a contributory or accelerating cause) by silicosis, anthraco-silicosis, or asbestosis, or by silicosis, anthraco-silicosis, or asbestosis, when accompanied by active pulmonary tuberculosis."

It is our recommendation that the existing Company policy be further liberalized to the extent that partial disability, although not recognized in the Occupational Disease Act, will be recognized in these and other similar cases. We recommend, for example, that when an employee is known to have silicosis or asbestosis, that resulted from years of exposure in this Plant, his loss of earnings be made up by payments of special compensation during such partial disability. We recommend, for example, when such partial disability occurs, the difference in salary or wages between the employee's former earnings and earnings after partial disability, be made up by payment of special compensation. If the employee is later transferred to another job which pays as much or more than his former job, such special payments would cease. Special payments should be determined on basis salary and exclusive of any adjustments in wages or salaries that might be made near the time that partial disability occurs.

Our reasons for making these recommendations are as follows:

1. Although partial disability for silicosis is not recognized by the Occupational Disease Act, partial disability is recognized for occupational accidents.
2. Occupational accidents usually involve some degree of carelessness on the part of the individual; whereas silicosis develops gradually from exposure to dust hazards through no fault of the employee, and is usually a condition of which he is not aware. The Company was negligent, in our opinion, in permitting such exposure.

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To Mr. J. H. Morrison

March 31, 1948

From

Subject

3. There may be additional silicosis cases in the Plant that have not yet been discovered, but when discovered, may be of such nature that the Company will accept liability. However, the number of such cases can be expected to be limited, and from this time forward no exposure to harmful dust should be permitted which can result in future silicosis cases.
4. We are told by the General Personnel Department that these silicosis cases are primarily a Floor Plant problem, and do not exist to any extent in other Company plants.
5. We feel the present policy is unfair since the employee may suffer loss of earnings through years of partial disability and then may die shortly after total disability occurs and before he receives financial benefits of any kind.
6. Dr. Sullivan has, in most instances, insisted on the transfer of these employees to other jobs, which has resulted in loss of earnings.
7. We believe that during 1934 and 1935 special payments were made to employees who had silicosis, amounting to about \$1200 each to compensate them for loss of earnings.

If it should be decided to provide special compensation to offset loss of earnings during the period of partial disability of an employee, we feel that such payments should be over and above the payments made after total disability occurs and should not reduce the \$4000 maximum of such payments made after total disability occurs.

Partial disability, as used in this memo, refers to loss of earnings on the part of the employee as a result of his being transferred to a lower paid job on the insistence of the Plant Physician and does not necessarily mean that the employee is, at the present, physically unable to perform his regular job.

CVS:KJB

C. J. Sullivan
O.K. 4/13/48
OK 3/10/48

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