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J-M-7-83

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Letter of 8/1 from Higbee to Mr. Marchant file.

CONFIDENTIAL

August 8, 1960

A. K. Higbee - BHQ

cc
C. W. Hite - CHQ
Dr. K. W. Smith - CHQ

Your letter August 1st

I have thoroughly reviewed Dr. Smith's letters of 7/22 and 7/28 regarding the manner in which the case has been handled.

First of all, I must admit we fall down in carrying out our responsibility by permitting six follow-up letters to be written without so much as an acknowledgment. This I do not believe will happen again.

The IH-54 which Dr. Smith makes a point he did not receive is made up of the following - a report written by the doctor on the chest X-Ray and a work history. We find a work history made out by the Industrial Hygiene Technician dated April 4, 1960 with a copy to Dr. Smith. The X-Rays were not sent for two reasons - 1) anticipated visit of Dr. Smith in February of this year which did not materialize due to Dr. Smith's illness; and 2) the anticipation that he would be coming to Waukegan later on in the spring, which he subsequently did. From that point the X-Rays were needed at Waukegan due to the then thought immediacy of a hearing on the matter. Dr. Smith was requested to review the X-Ray films during his visit, and from our standpoint that was one of the primary reasons for his coming to Waukegan.

The one part of the IH-54 which was not forwarded was the Medical Report. Dr. Smith was here for several days and had available to him Bob Smith, Bob Frandsen, Jim Rust, Boyd Mulder, Dr. Culmer and Dr. Pitz, the files and the patient. A medical report by Dr. Culmer was available in New York which was prepared at the time the proposed for disability retirement.

While the IH-54, as described in the "Manual of Standard Practices" was not formerly presented to CHQ in the precise way set forth in "Standard Practices", there was certainly every opportunity for Headquarters to be fully informed of our difficulties in this case. In fact, it is my impression that Mr. Smith was more fully informed on this case than in any others, since one of the purposes of his visit this spring was to review the whole matter.

At approximately the time that this case started to become active the local Industrial Relations Department was requested by Dr. Smith to assemble all IH-54 information locally and send it in one mailing to New York rather than to mail it piece-meal. At that time Boyd Mulder wrote to Fanny Fortuna on 3/15/60 designating her as the person to assemble all IH-54 data in the future. However, in this case it had not been possible for Miss Fortuna to furnish the Medical Report since a Medical Report which would serve IH-54 purposes was not prepared until July 22, 1960, by Dr. Culmer. It was only the dead line of the hearing on July 29th and the necessity to get a copy of the Medical Report to the petitioners within 48 hours before the hearing that finally forced a Medical Report to be written.

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J-M 83

A. K. Higbee - DRR

August 8, 1960

Dr. Smith has been apprised over the years of the fact that our agreement with Dr. Culmer has not been lived up to. The agreement reads as follows:

"During 3 of the days in the regular working week (Monday thru Friday) you will be in our Waukegan Plant Medical Department from 9:30 A.M. to 12:45 P.M. and from 2:30 P.M. to 4:30 P.M. During the 2 remaining days you will be in the department from 10:30 A.M. to 12:45 P.M. and from 2:10 P.M. to 4:30 P.M. Thus, you will be expected to spend 25 hours each week in the department".

This agreement has been honored only in minute fractions. It is rare for Dr. Culmer ever to come to the plant in the mornings and seldom is the afternoon schedule kept.

Typical of our doctor difficulties, of which Dr. Smith has been kept aware, is a recent episode in which Dr. Smith arranged for Dr. Sander from Milwaukee to visit the plant to consult on the , and occupational disease claims. Dr. Culmer was advised that Dr. Sander would be here the first thing in the morning from Milwaukee, and yet Dr. Culmer was not available until late during Dr. Sander's visit. The briefing of Dr. Sander on the medical aspects of the case in order that he could review them and spend his time profitably had to be done by Jim Rust, John Anderson and Gene Greene of the Industrial Relations Department.

It has also been extremely difficult to get other medical reports which are needed from time to time for proper handling of Workmen's Compensation cases. I think it should be pointed out that during the last year or so Jim Rust has handled some 15 to 20 Workmen's Compensation cases which were settled with employees without necessity of a hearing or attorneys on either side, with terms favorable to the company.

I feel that, in general, the Industrial Relations Department at Waukegan has done an outstanding job in handling compensation cases. In all fairness to Dr. Culmer, the excellent manner in which the major portion of our Workmen's Compensation cases has been handled is due to the confidence employees have in his fairness in evaluating the extent of their disabilities. However, this does not alleviate the difficulties we have in not being able to adequately service our medical needs of which Dr. Culmer's restricted schedule brings about.

Dr. Smith, in his letter of July 22, refers to necessary data, opinions and consultation reports which he feels were not adequately obtained in the case. It is my understanding that Dr. Smith wished from Dr. Culmer to have an electrocardiogram done on , plus examination by an orthopedic surgeon. By Dr. Culmer's arrangement the electrocardiogram was performed and while it was abnormal, the findings were not specific so that this information proved not to be significant in preparation for the defense of the case. The consultation with an orthopedic surgeon was not done because Dr. Culmer felt that the consultation with an orthopedic man would not be helpful.

In reviewing this matter I do not find any evidence of indifference except for our failure to answer follow-up letters. In fact, there has been a great deal of concern on the part of our Industrial Relations Department that Dr. Smith be more than usually informed on this case to the extent that it was the primary matter on the agenda during his visit last spring.

As to the inefficiencies of our Industrial Relations Department, they apparently revolve around the inadequacies of Dr. Culmer's hours put in at the plant and also our inability to get the necessary medical reports.

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The quality of work Dr. Culmer has done for us has been exceptionally good, resulting in a high degree of confidence among employees in Dr. Culmer. This has done a lot toward over-shadowing the lack of time he spends in our Medical Department. However, this deficiency in hours is found to eventually cause breakdowns; and in this case is a good illustration of the fact that quality of medical work cannot forever suffice for the quantity needed to adequately do the job.

In Dr. Smith's letter of July 22 he makes the point that the IH-54 has operated very satisfactorily with the exception of Waukegan. Granted that we may not have followed IH-54 precisely in the handling of all of our cases, but I do not believe that the handling of many of our cases at Waukegan has been as costly as at some other locations where IH-54 has been followed to the letter of the law.

It is my impression that Workmen's Compensation has been handled in a satisfactory manner so far as the end result is concerned. We have had a minimum amount of legal expense and a minimum degree of Union interest on practically all of our compensation cases; and I must say that, in my opinion, they have been settled in a way that has been fair to both the company and the employees involved.

I certainly will not argue the point that we can always improve in our handling of most matters, and we are open to any suggestions that you or Dr. Smith care to make.

A. B. MARCHANT, Waukegan

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