E. J. O'Brien

May 1, 1957

Re: Pulmonary Function Studies

Our present interpretation of the N. J. Workmen's Compensation Law regarding the Occupational Disease Statute is becoming more liberal rapidly.

1. Aggravation of pre-existing disability has already become a well-established basis for award. Many conditions formerly determined as non-occupational, are now interpreted as occupational, based on the possible aggravation factor in work exposures.

2. In evaluating Pneumoconiosis cases, the trend presently is to determine disability on the basis of Xray changes only, without evidence of disability. Pulmonary Function Studies is the only method which we have to objectively evaluate actual disability.

3. Results of Pulmonary Function Studies, indicating existence and extent, or non-existence of disability, may only be introduced as evidence if the examining doctor will testify in court that he performed the tests and arrived at the conclusions. Such testimony is not available from either the N. Y. C. or Philadelphia Cardio-Pulmonary Laboratories at this time, therefore, only if the petitioner's attorney agrees, can the Pulmonary Function Studies be presented as evidence.

Pulmonary Function Studies are essential for evaluating disability.

Our present method of obtaining the results without testimony is not satisfactory.

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C. L. Sheckler

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