CONFIDENTIAL

H. M. JACKSON - GHQ July 30, 1968

WORKMEN'S COMPENSATION CASES - #41-245 Michael Diagula - #31-210 Eric Swanson

We feel we should review the status of these two cases with you and make a recommendation on them at this time.

As you know, the Michael Diagula case has been under study for some time and we now have agreement from the family to forward the lung specimens and slides to Dr. Gross. This will be done shortly.

We have another carcinoma case developing with an alleged occupational connetation. The individual is Eric Swanson of our PFM Clutch Facings Department.

Briefly this man worked in our Transite Pipe Department from 1936 to 1946. He then transferred to the Clutch Facing Department where he worked as a Clutch Facing Press Operator.

It is my information this employee was never considered a dust case. However, in February of 1968, he went off work and his private physician diagnosed him as having adenocarcinoma of the lung. After treatment locally, Mr. Swanson went to the Mayo Clinic in July of this year, and while there asked their doctors to forward their medical report on him to Dr. Davison. The most interesting portion of this report is the statement "It is interesting to note that Mr. Swanson gives a 32 year history of exposure to asbestos; the association of asbestos exposure and carcinoma of the lung having been statistically correlated."

Dr. Davison has recommended that now is the time to consider disability retirement for Mr. Swanson. Yesterday I reviewed retirement benefits with Eric's wife and son. After they left my office I received a call from Mr. Robert Snook, a local attorney, who asked me if we were handling this as a compensable matter based on the Mayo Clinic report and I replied in the negative. Mr. Snook is also the attorney who represents the Diagula family.

I have reviewed these cases with C. L. Hite and E. Fuqua recently. We are now of the opinion that to minimize publicity we should settle both of these cases "out of court" with some type of compromise settlement. The maximum dollar exposure in the Diagula case is $16,000.00 and in the Swanson case it is $15,000.00. We feel we can probably compromise for less depending on how the negotiations proceed.

In the Swanson case at the appropriate time, we would get approval for specimens and slides to forward to Dr. Gross for more definitive diagnostic conclusions.

Our recommendation thus is to quietly resolve these two matters with a minimum of publicity, community relations problems or public record.

C. L. Hite further recommends you handle our proposals with Division Management by telephone to reduce the amount of written record in these two cases.

May we have approval to proceed on the basis outlined above?

J. W. SZCYGIELSKI

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