

1966

Book Review

Richard E. Hendricks

Follow this and additional works at: <https://engagedscholarship.csuohio.edu/clevstrev>



Part of the [Workers' Compensation Law Commons](#)

How does access to this work benefit you? Let us know!

Recommended Citation

Richard E. Hendricks, Book Review, 15 Clev.-Marshall L. Rev. 395 (1966)

This Book Review is brought to you for free and open access by the Journals at EngagedScholarship@CSU. It has been accepted for inclusion in Cleveland State Law Review by an authorized editor of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.

desired ends. It is pointed out, also, that segregation deepens undesirable attitudes of ghetto communities and mentality for whites. In discussing *Discrimination in Public Accommodations*, one of the participants reasoned that where private constitutional rights collide with the public interest, one or the other must prevail. He would transfer to the Supreme Court the power to decide which choice must be made.

It is reasoned that discrimination in housing contributes to overcrowding in the facilities available to those who are discriminated against, and as a consequence there is the creation of inadequate, unhealthy, and unsafe living conditions. Furthermore, it is said that such discrimination subjects the individual to public indignity and humiliation.

A very useful bibliography, listing of relevant cases, and an index, are furnished.

What emerges from this book is a plethora of legal and sociological insights. The volume therefore, warrants the attention of everyone; professor, practitioner, student and layman.

* * *

*Reviewed by Richard E. Hendricks**

GUIDE TO WORKMEN'S COMPENSATION CLAIMS: THE ANATOMY OF THE CLAIMS FUNCTION, by Neil Carter. Roberts Publishing Corp., "The Insurance Advocate," New York, N. Y. 404 pp. 1965.

Guide to Workmen's Compensation Claims is written by a practitioner thoroughly familiar with his subject. The author updates here his earlier book on workmen's compensation claims, adding some areas not previously considered. He is a claims specialist with about 24 years experience as investigator, hearing representative, claims supervisor, and various high level executive positions with insurance companies. He has written and lectured extensively on the subject of claims work.

Mr. Carter emphasizes team work and familiarity with the job, feeling that intimate acquaintance with one's own duties, and knowledge of the responsibilities of co-workers, will pro-

* B.A., Gettysburg College; First-year student at Cleveland-Marshall Law School of Baldwin-Wallace College.

mote first-rate results. Each function in a Claims Department receives individual attention, and the reader is left with the impression that success or failure in the operation depends largely on swift and effective techniques of investigation. Mr. Carter recommends for investigation the use of photographic evidence and tape recordings. Although the point is not made explicitly, it appears that each member of the Claims Department is, in a sense, an investigator, and should be familiar with the necessary methods. It is true, of course, that in any claims office only the really "tough" cases get assigned to a field man, and the claims examiner or supervisor, in less controversial cases must know how to secure evidence by correspondence, or written investigation. The Claims Examiner functions on the working level, with basic responsibility for handling and developing claims to assure prompt service. Carter would have the examiner work within the concept of a social insurance program, with the worker receiving treatment for his injuries and indemnification for his wage-loss without delay. The examiner is also charged with the job of withholding benefits from those who are not covered by the policy, and from claimants whose entitlement has ended.

The Hearing Representative works in the same office as the claims examiner and often simultaneously on the same case. The author stresses the spirit of cooperation which must exist between these individuals. The hearing representative comes into a case when there is a controversy to be adjusted, and he should be prepared to handle medical as well as legal problems. As he is responsible for informal conferences or formal hearings, he should be able to examine and cross-examine witnesses. With the type of witness varying, from laborers or skilled engineers—to medical specialists, the hearing representative will of necessity be versatile, persistent, and equipped with a wealth of diverse knowledge.

Mr. Carter comments briefly on the settlement of claims and setting up the reserve for a case. On neither subject does he give much detail, yet his remarks should be of interest to claimants attorneys as some light is thrown on typical company attitudes. The author gives a very knowledgeable and fairly complete discussion of claims and medical problems, which could greatly assist an attorney who handles only a small volume of workmen's compensation business and lacks complete reference

material on the subject. Also of interest is the section giving a state by state list of the workmen's compensation laws, including the coverage extended, administrative set-up, and appeal procedure. In this edition, Mr. Carter includes some comments on physicians who specialize in treating compensation cases. He possesses a generous helping of that judicious skepticism which he recommends for a claims man. He spends a great portion of his effort on the problem of the questionable claim and how to combat it. He might have placed more emphasis on the significant amount of honest disagreement among medical specialists on the causal effects of trauma on various "pre-existing" diseases and bodily defects. The medical opinion on many questions involved in claims work is not simply black or white, and rather tends to be in the gray area. As medical knowledge increases, the problems of claims handling will increase apace. Each claim presents a separate problem and is handled individually, yet is part of a larger picture. It may present a question of medical evidence, against the backdrop of uncertainties and disagreements noted above. Or, the claim may involve a legal question which must be considered within the context of the law and judicial interpretation. The claim must also be considered from the view of the claims department's responsibilities to the claimant, the insured employer, and the insurance company stockholders.

Mr. Carter is to be credited with a fair handling of his topic. The workmen's compensation field is probably more complex than is generally realized, and the author is unmistakably writing from an "insurance man's" point of view. If the reader keeps this fact in mind, the book can be a valuable source of information on the practical application of workmen's compensation laws. It should find a place on the reference shelf of any attorney with a practice in this field. The book is highly recommended to the apprentice claims examiner and to the law student, who will find much insight into the practical aspects of claims work.