

UNEMPLOYMENT COMPENSATION COMMISSION OF NORTH CAROLINA

INTERPRETATION NO. 27

TO: W. R. Curtis, Acting Chairman
FROM: Ralph Moody, Chief Counsel
SUBJECT: Determination of Suitable Work when Physical Disability is in Question

Reference is made to your memorandum of August 16, 1943, which deals with the above subject.

Where the physical condition of a claimant is in question, it would, of course, be desirable to have the expert opinion of a physician in all such cases. It is my thought, however, that if we require this in all such cases it would burden the claimant with too great an expense. It seems to me that a deputy ought to be able to size up most cases and reach a satisfactory conclusion without the expert opinion of a physician. I think the evidence of a physician should only be required in very difficult or extraordinary cases. It is true that there are many diseases in which the claimant himself does not know and is unable to say whether he is able to work or not because of the nature of the disease. For example, perhaps many people suffering from pulmonary tuberculosis reach a point after some rest and treatment that they feel able to undertake several different kinds of work, but a physician would say that they are not able to do any work at that particular time. It would seem to me that testimony from a physician should be required in such cases as the example I have given above. Perhaps many other examples could be given.

I also feel that there is possibly a group of situations in which the deputy could subpoena or cause some neighbors to testify and their observation would be just as valuable as that of a physician. I also call to your attention the fact that most claimants do not have any great difficulty in securing a certificate from their family physician. For these reasons, I feel that you should restrict the class of cases in which testimony of a physician is required. I further call to your attention that in the field of legal evidence, the opinion of laymen is accepted in a great many matters. For example, when the sanity of a person is in issue, the opinion of friends and neighbors who know such person is considered as valuable evidence although they are not experts.

Adopted as an official interpretation by the Commission on January 25, 1944.