

# The Burger Court Opinion Writing Database

## *U.S. Industries/Federal Sheet Metal, Inc. v. Director, Office of Workers' Compensation Programs*

455 U.S. 608 (1982)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

March 5, 1981

Re: No. 80-518, U.S. Industries v. Director

Dear Bill,

Please add my name to your dissenting  
opinion.

Sincerely yours,

*P.S.*  
/

Justice Rehnquist

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

March 5, 1981

Re: No. 80-518 - U. S. Industries v. Director

Dear Bill:

I am now in a join three posture in this case.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Stevens

From: Mr. Justice Rehnquist

Circulated: MAR 4 1981

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Re: No. 80-518. U.S. Industries, et al. v.  
Director, Office of Workmen's Compensation  
Programs, U.S. Department of Labor, et al.

JUSTICE REHNQUIST, dissenting.

The question in this case is the meaning of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. §900 et seq, as made applicable to private employment in the District of Columbia by D.C. Code §36-501. The Act provides worker compensation benefits for any "accidental injury or death arising out of and in the course of employment". 33 U.S.C. §902(2). Like other workmen compensation statutes, employees covered by the Act give up the opportunity to recover large jury verdicts based on employer negligence in exchange for statutorily prescribed payments for particular disabilities and a series of presumptions in their favor. It is one of these presumptions, contained in 33 U.S.C. §920, that is at issue here. It reads:

To The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Stevens

From: Mr. Justice Rehnquist

1st DRAFT

Circulated: \_\_\_\_\_

SUPREME COURT OF THE UNITED STATES

Revised: \_\_\_\_\_

U. S. INDUSTRIES/FEDERAL SHEET METAL, INC.,  
ET AL. v. DIRECTOR, OFFICE OF WORKERS' COM-  
PENSATION PROGRAMS, UNITED STATES  
DEPARTMENT OF LABOR, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 80-518. Decided March —, 1981

JUSTICE REHNQUIST, dissenting.

The question in this case is the meaning of the Longshoremen's and Harbor Workers' Compensation Act, 33 U. S. C. § 900 *et seq.*, as made applicable to private employment in the District of Columbia by D. C. Code § 36-501. The Act provides worker compensation benefits for any "accidental injury or death arising out of and in the course of employment." 33 U. S. C. § 902 (2). Like other workmen compensation statutes, employees covered by the Act give up the opportunity to recover large jury verdicts based on employer negligence in exchange for statutorily prescribed payments for particular disabilities and a series of presumptions in their favor. It is one of these presumptions, contained in 33 U. S. C. § 920, that is at issue here. It reads:

"In any proceeding for the enforcement of a claim for compensation under this chapter it shall be presumed, in the absence of substantial evidence to the contrary—

"(a) that the claim comes within the provisions of this chapter. . . ."

Respondent Riley, a sheet metal worker, awoke one morning in 1975 with acute pain in his arm and chest. Riley was hospitalized for treatment of a suspected heart attack, but the hospital subsequently determined that his pain was the result of exacerbation of a disease he had suffered recurrently since 1970. Riley filed a claim for compensation