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Miners' hero

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Feisty Iowan digs in for ex-miners

By KEN FUSON

Register Staff Writer

WOODWARD, IA. — In a small white house here sits a 74-year-old, legally blind man whose persistence resulted in a legal precedent that may benefit thousands of former coal miners.

"Is that so?" says Charles "Specs" Coghlan. "I didn't know that. I'll be darned."

He is an unlikely precedent-setter. The closest Coghlan gets to a courtroom these days is his living room, where he sits inches from the television screen — he can make out blurred images — and watches Judge Wapner render justice on "The People's Court."

Still, because of Coghlan, the Eighth Circuit Court of Appeals ordered the U.S. Department of Labor last month to review the cases of coal miners who have been denied benefits for black-lung disease.

Affects '70s-Era Claims

The decision affects miners whose claims were filed between Dec. 30, 1969, and April 1, 1980. If those miners had submitted evidence that they suffered from pneumoconiosis, or black-lung disease, they could be eligible for monthly payments and thousands of dollars in back benefits.

The appeals court directed U.S. District Judge William C. Stuart of Iowa to determine how many miners the class-action suit will represent.

Labor department officials are appealing the ruling. Officials say they don't know how many miners could

be affected, "but obviously it's a substantial number," says John Bearner, an assistant U.S. attorney in Iowa. "It's in the thousands."

I. John Rossi of Des Moines, the lawyer who filed the class-action suit, estimates that 200 Iowans, most of them elderly, could receive more in benefits than they now get or benefits for the first time — as much as \$525 a month for a miner and his spouse, in addition to a large back payment.

"This is beautiful for them," says Rossi, whose father was a coal miner and suffered from black-lung disease. "This is the difference between living hand-to-mouth and living better."

"Never Gave Up"

If they get the money, the former miners will owe Coghlan a thank-you, he says.

"He never gave up," Rossi says. "He's made it possible for there to be an opportunity for some Iowans to get a second chance to get benefits."

To a large degree, Coghlan was simply in the right place at the right time with the right kind of case, Rossi says, but he also endured an eight-year battle with the labor department to get there.

That battle ended two years ago when an appeals court ruled that the labor department was wrong in

MINERS

Please turn to Page 9A



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'I had to stay with case,' says ex-miner

MINERS

Continued from Page One

forcing miners to prove they had worked in a coal mine at least 10 years. The requirement wasn't necessary if a miner had submitted an X-ray or doctor's opinion that showed he suffered from black-lung disease.

"Before Coghlan, unless you had 10 years, the Department of Labor didn't give you any benefits," Rossi says. "You didn't have a case. You really had to be disabled — really, really bad."

After Coghlan's case, officials in the labor department agreed to review the cases of miners who had continued to pursue their claims, but officials refused to reconsider inactive cases. That made the class-action suit necessary, Rossi says, and the appeals court ruling requires the labor department to reopen all cases.

"Because of Coghlan, the impetus is there to have the department of labor do what they should have been doing all along," says Rossi, who represents 150 miners or their spouses.

Government to Appeal

Beamer, the labor department's lawyer in the class-action suit, says the government contends that the statute of limitations has run out on the miners' cases and the appeals court has no authority to revive them. The suit will be appealed to the U.S. Supreme Court, if necessary, he says.

"They'll fight you every inch of the way," Coghlan says. "They fought me."

He sports a gray crew-cut, white socks, black shoes and a face as friendly as a basset hound's, but Coghlan says the labor department picked on the wrong guy.

"I nearly gave up once," he says, "but when I think I'm right, I'm stubborn. You betcha. I knew I was right. It wasn't a thought that I was right; I knew it. I had to stay with it."

He worked from 1930 to 1940 in a mine in Moran, a former coal-mining town that now is just a tiny collection of Dallas County homes between Woodward and Granger.

The only hint of his coal mining background comes when he coughs — a deep, rumbling cough that sometimes leaves him breathless. He says it's what happens when you dig coal underground with one air vent 4½ miles away.

wife, who was paralyzed from the shoulders down. They lived on \$365 a month.

"We needed all the money we could get," he says. "But taking care of her, I couldn't get away to do a darn thing, so we lived on what we had."

The labor department ruled that Coghlan had not worked the necessary 10 years. His claim was denied. He appealed. It was denied. He appealed again. Before he was through, he says, he endured a battery of medical tests, four rejections of his claim and plenty of frustration.

"The government, they'll mistreat you whenever they can, but they don't think anything of spending billions on Star Wars," he says. "I had to stay with the case."

It paid off. The appeals court ordered the labor department to review Coghlan's case. He was awarded \$300 a month and a lump-sum payment for all of the months he should have been paid.

"Twenty-seven thousand, eight hundred and seventy-seven dollars and twenty cents," he says proudly. "I didn't think I'd get it until I saw the check."

Rossi says nine other Iowa miners have received payments since Coghlan's case was settled. He says the recent appeals court ruling could mean checks for many others.

"Coghlan has made it possible that

several hundred Iowans might be able to afford a little dignity in their old age," he says.

Coghlan says that suits him fine.

"I wasn't aware that mine was the one that did it," he says. "So I'm going to be on the law books, huh? Well, that's good."