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SENATE

{ REPORT
{ No. 1824

HELENA M. GROVER

AUGUST 3, 1962.—Ordered to be printed

Mr. BYRD of Virginia, from the Committee on Finance, submitted the following

REPORT

[To accompany H.R. 5139]

The Committee on Finance, to whom was referred the bill (H.R. 5139) for the relief of Helena M. Grover, having considered the same, report favorably thereon without amendment, and recommend that the bill do pass.

GENERAL STATEMENT

H.R. 5139 provides that the proof of support filed by Helena M. Grover on July 9, 1959, in connection with a claim for parent's insurance benefits is to be considered to have been filed within the period required by the law and that her application for benefits is to be acted upon in accordance with the applicable provisions of law. Since Mrs. Grover was dependent on her son, she would get parent's insurance benefits under the old-age, survivors, and disability insurance program beginning with the month of June 1959, the month in which she attained age 62, if the bill were enacted.

The Social Security Act provides that parent's benefits based on a deceased person's earnings may be paid at age 62 to a mother who was receiving at least one-half of her support from the deceased worker at the time of his death and who filed proof of such support within 2 years of the date of his death. A provision of the 1956 amendments to the act extends the time for filing proof of support for an additional 2-year period or until August 31, 1958, whichever is later, upon showing that good cause existed for failure to file within the statutory period.

The reason for limiting the period during which proof of support can be filed is to prevent situations in which determinations of eligibility for benefits under the program must be made many years after the death of the worker on whose earnings record the benefits are claimed, at a time when reliable evidence substantiating the claim that the

applicant for benefits had been getting one-half of his support from the deceased worker would be difficult to obtain or no longer available.

Mrs. Grover's son, John S. Grover, died on March 25, 1951, while in the military service of the United States. In a letter dated April 7, 1959, Mrs. Grover inquired about the payment of parent's benefits, stating that on or about March 23, 1953, she had given all of the required information to the New Haven, Conn., office of the Bureau of Old-Age and Survivors Insurance. (The Bureau has no record of any such contact with Mrs. Grover.) On July 9, 1959, she filed proof of support and a claim for parent's insurance benefits. On October 22, 1959, the Bureau of Old-Age and Survivors Insurance disallowed her claim for parent's benefits on the ground that proof of support was not filed within the period required by law. On October 31, 1960, a hearing examiner of the Social Security Administration upheld the Bureau's decision that Mrs. Grover was not entitled to parent's insurance benefits on the ground that proof of support had not been filed within the required period.

Since there was a possibility that Mrs. Grover could have filed proof of support, an extensive search of the records was made by the Bureau of Old-Age and Survivors Insurance. When no record was found attempts were made to establish whether Mrs. Grover had visited the New Haven office in 1953. The results of these attempts to reconstruct the events that might have taken place 6 years earlier were unsatisfactory not only because of the lapse of time but also because Mrs. Grover has unusual difficulty in communicating with other people. She has extremely poor eyesight, she has been deaf since childhood, and her oral responses are garbled. In his decision the hearing examiner noted that the only effective way of communicating with Mrs. Grover is through sign language with her daughter as interpreter. In view of Mrs. Grover's difficulty in communicating with other people it is not impossible that she had visited the New Haven office and that either the person she talked to had not understood the purpose of the visit or Mrs. Grover had not understood what she had to do to protect her rights to benefits.

The Bureau's contacts with Mrs. Grover did bring out clearly that Mrs. Grover was undoubtedly dependent on her son and that reliable evidence of her dependency was readily available in the official records of another Government agency. Evidence of her dependency has been in the records of the Department of the Army since 1950; when her son was recalled to active duty with the Army in 1950, he furnished evidence that his mother was getting more than one-half of her support from him. Since this evidence was so readily available, there was no reason for Mrs. Grover not to have filed the necessary proofs with the Bureau within the time allowed by law.

Although enactment of H.R. 5139 would give Mrs. Grover a special advantage that under the law must be denied to others in similar circumstances, her situation is so exceptional that the general provisions of the law could not be expected to make adequate provision for her. Her ability to communicate with others is so severely restricted that it was not possible to satisfactorily resolve the question of whether she had actually visited the New Haven office of the Bureau of Old-Age and Survivors Insurance. Moreover, it has been possible to determine that she was dependent on her son. She meets all the requirements for parent's insurance benefits except that she did not file proof of

support within the required period; and, in view of the unusual combination of circumstances in her case, the reasons for requiring that proof of support be filed within a specified period are less compelling than they would ordinarily be.

DEPARTMENTAL REPORTS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, November 20, 1961.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of September 25, 1961, for a report on H.R. 5139, a bill for the relief of Mrs. Helena M. Grover.

The fact upon which this private relief bill is based are stated in the accompanying memorandum. In substance, Mrs. Grover's application of July 9, 1959, for parent's insurance benefits under the old-age, survivors, and disability insurance program was disallowed on the ground that she did not file, within the time required by the law, proof that her survivors, and disability program was disallowed on the ground that she did not file, within the time required by the law, proof that her son had supported her. H.R. 5139 would provide that the proof of support that Mrs. Grover filed after the time limit for filing had expired would be considered to have been filed in time; the bill therefore would in effect require the Bureau of Old-Age and Survivors Insurance to pay parent's insurance benefits to Mrs. Grover beginning with June 1959, the month in which she reached age 62.

As the accompanying memorandum points out, Mrs. Grover has extreme difficulty in communicating with other people and it has not been possible to determine with certainty whether she did visit the New Haven, Conn., office of the Bureau of Old-Age and Survivors Insurance in 1953 with the intent of filing the proof of dependency required by law. If she did go to that office the representative of the Bureau of Old-Age and Survivors Insurance who talked to her may have misunderstood her or Mrs. Grover may have misunderstood the Bureau representative and believed that she had given him all the required information.

The Department of Health, Education, and Welfare has generally opposed the enactment of private relief bills on the ground that special legislation permitting one person to get benefits under conditions identical to those in which others are denied benefits is undesirable. On the other hand, the circumstances that prevent Mrs. Grover from qualifying for benefits are quite unusual. The official records of another Government agency—records that have been readily available since 1950—show clearly that Mrs. Grover met the dependency requirements of the Social Security Act. It is not impossible that Mrs. Grover did visit the New Haven office of the Bureau of Old-Age and Survivors Insurance to establish her right to benefits, and because of her extreme difficulty in communicating with people the purpose of the visit was misunderstood by the Bureau representative or Mrs. Grover did not understand what she was required to do in order to protect her right to benefits. Her situation is so exceptional that no law of general applicability could reasonably

be expected to make adequate provision for her. In these circumstances, the objection to providing a special exception to the law seems to be less compelling than it ordinarily would be. Therefore, the Department would not oppose enactment of this particular private bill.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,
Assistant Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 14, 1962.

HON. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on H.R. 5139, a bill for the relief of Helena M. Grover.

The Department of Health, Education, and Welfare points out in its report on the bill that the situation, with respect to this claimant, is so exceptional that no law of general applicability could reasonably be expected to make adequate provision for her and that, therefore, it would not oppose enactment of this particular bill.

The Bureau of the Budget concurs in the views expressed by the Department of Health, Education, and Welfare and, accordingly, has no objection to the bill.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

