

# Calendar No. 368

72D CONGRESS }  
1st Session }

SENATE

} REPORT  
No. 349 }

ANGUS M. WHATLEY

FEBRUARY 24 (calendar day, FEBRUARY 29), 1932.—Ordered to be printed

Mr. WALSH of Massachusetts, from the Committee on Finance,  
submitted the following

## REPORT

[To accompany S. 2567]

The Committee on Finance, to whom was referred the bill (S. 2567) for the relief of Angus M. Whatley, having considered the same report it back to the Senate and recommend that the bill do not pass.

### PURPOSE OF S. 2567

The purpose of this bill is to authorize and direct by a special act an adjudication of a claim for disability allowance.

### FACTS

In this case a veteran served less than 90 days during the World War and, therefore, is not eligible under the general law to receive the benefits of the World War veterans act, 1924, as amended July 3, 1930, providing for disability allowance in certain cases.

This veteran filed a claim for compensation, based on alleged service connected disabilities, which was disallowed. If he had served 90 days or more during the World War, he would be eligible for disability allowance regardless of the origin of his disabilities, providing his disabilities are ratable to a minimum 25 per cent permanent degree. The veteran did not serve 90 days, but seeks an exception to the general law providing for disability allowance.

The bill S. 2567 uses the phrase "pension roll." It is assumed that disability-allowance benefits were intended.

The enactment of this bill would establish a precedent which would permit many other veterans who served less than 90 days to be granted disability-allowance benefits. This case has no greater merit than many others wherein compensation and disability allowance awards were not granted.

ANGUS M. WHATLEY

The report of the Administrator of Veterans Affairs is as follows:

VETERANS' ADMINISTRATION,  
Washington, January 25, 1932.

HON. REED SMOOT,

Chairman Committee on Finance, United States Senate,  
Washington, D. C.

MY DEAR SENATOR SMOOT: Reference is made to your letter of January 11, 1932, transmitting a copy of S. 2567, Seventy-second Congress, "A bill for the relief of Angus M. Whatley," requesting a report thereon.

It appears from the records of this administration that this veteran's claim for compensation based on alleged service-connected disabilities stands disallowed for the reason that the respiratory disability is neither directly nor presumptively connected with the service, and the disabilities of myositis, malnutrition, and kyphosis were not incurred in or aggravated by service.

It also appears that Mr. Whatley's claim for disability allowance under the provisions of the act of July 3, 1930, amending the World War veterans' act, 1924, as amended, has been disallowed by reason of less than 90 days service during the World War.

It is assumed the words "pension roll" are inadvertently used in this bill as the pension laws would not be applicable. It is assumed that entitlement to disability allowance benefits is intended.

This case would not appear to have any greater merit than many others where claims for compensation have been disallowed for want of service connection of disability and where claims for disability allowance have been disallowed because the veteran served less than 90 days during the World War as required by law. It is contrary to the policy of this administration to recommend special legislation, except where administrative error or legal technicality has worked detriment or disadvantage to the person in whose favor legislation is sought.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, Administrator.