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DEFINING MISCONDUCT, FOR COMPENSATION AND PENSION PURPOSES, AS LIMITED TO FELONIOUS MISCONDUCT

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JULY 6 (legislative day, MAY 24), 1943.—Ordered to be printed

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Mr. CLARK of Missouri, from the Committee on Finance, submitted the following

REPORT

[To accompany H. R. 986]

The Committee on Finance, to whom was referred the bill (H. R. 986), which passed the House of Representatives on June 8, 1943, and which is a bill to define misconduct for compensation and pension purposes as limited to felonious misconduct, having considered the same, report favorably thereon with the recommendation that it do pass.

H. R. 986 is identical with S. 227 which your committee has favorably reported, except that there was inserted in House committee amendment in line 6 of H. R. 986, after the word "misconduct" the word "only."

PURPOSE OF THE BILL

The purpose of the bill is to modify the existing misconduct bar to both service-connected and non-service-connected pension and compensation benefits under Veterans Regulations promulgated pursuant to Public, No. 2, Seventy-third Congress, March 20, 1933, so that it shall only include disability or death resulting from the veteran's felonious misconduct.

Your committee, during the present Congress and prior thereto, has had this matter under consideration and has conducted hearings on this and similar bills. Testimony thereon in detail has been received from the Administrator of Veterans' Affairs and ex-service organizations. Your committee believes that the term "misconduct," as now defined in Veterans Regulations, is too restrictive and that the amendment proposed by the bill is necessary to authorize relief from undue hardship and payment of meritorious claims now barred by misconduct as now defined under existing regulations.

## 2 DEFINE MISCONDUCT FOR COMPENSATION AND PENSION PURPOSES

The report of the Committee on World War Veterans' Legislation, House of Representatives, is as follows:

[H. Rept. No. 462, 78th Cong., 1st sess.]

The Committee on World War Veterans' Legislation, to whom was referred the bill (H. R. 986) to define misconduct, for compensation and pension purposes, as limited to felonious misconduct, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 6 after the word "misconduct" insert the word "only".

### PURPOSE OF THE BILL

The purpose of the bill is to modify the existing misconduct bar to both service-connected and non-service-connected pension and compensation benefits under Veterans Regulations promulgated pursuant to Public Law No. 2, Seventy-third Congress, March 20, 1933, so that it shall only include disability or death resulting from the veteran's felonious misconduct.

This bill was considered by your committee at hearings held April 13 and 14, 1943, at which time evidence submitted by the Administrator of Veterans' Affairs and representatives of the ex-service organizations on H. R. 986 was considered. Your committee determined that the term "misconduct" as now defined in Veterans Regulations is too restrictive and that the amendment proposed by the bill is necessary to authorize relief from undue hardship and payment of meritorious claims now barred because of misconduct as defined under existing regulations.

### CHANGE IN EXISTING LAW

In compliance with paragraph 2A of rule XIII of the Rules of the House of Representatives, changes made in existing law by the bill are shown as follows (the existing law, which is par. IX of Veterans Regulation No. 10, as amended, is shown in roman type, new matter proposed by this bill is shown in italics and deleted matter is shown in brackets):

"(Paragraph IX of Veterans Regulation No. 10, as amended by Public, No. 648, Seventy-fifth Congress, June 16, 1938)

"PARAGRAPH IX. A disability, [will be held to have resulted from misconduct when it is due to venereal disease, unless it is affirmatively shown that the disease was, in fact, innocently acquired, or when caused by an act of commission or omission, wrong in itself; or by an act contrary to the principles of good morals; or as a result of gross negligence, gross carelessness, alcoholism, drug addiction, or self-infliction of wounds.] *injury, or disease will be held to have resulted from misconduct only when it is due to felonious misconduct.*

