

Calendar No. 299

72D CONGRESS
1st Session

SENATE

REPORT
No. 281

GRANTING COMPENSATION TO DAVID SAMUEL GOLDSTEIN

FEBRUARY 24, 1932.—Ordered to be printed

Mr. REED, from the Committee on Finance, submitted the following

REPORT

[To accompany S. 828]

The Committee on Finance, to whom was referred the bill (S. 828) granting compensation to David Samuel Goldstein, having considered the same, report it back to the Senate and recommend that the bill do not pass.

This bill would give the claimant retroactive compensation from the date of his discharge in 1918 down to 1926, which latter date is one year before he first applied for compensation.

The report of the Veterans' Administration is as follows:

VETERANS' ADMINISTRATION,
Washington, January 13, 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 December 29, 1931, transmitting a copy of S. 828, Seventy-second Congress, a bill granting compensation to David Samuel Goldstein, and requesting a report thereon.

The records in this case disclose that the veteran served in the Navy prior to the World War, during which time he received treatment for a mental disability. He entered service during the World War on April 24, 1917, and was discharged January 4, 1918, because of inaptitude. Claim for compensation was not executed until May 17, 1927, and although the rating now in effect would entitle the claimant to a compensable rating from date of discharge, as you are aware, no payments can be effected for more than one year prior to the date of application for benefits because of the provisions contained in section 210 of the World War veterans' act, as amended. The proposed bill provides for the payment of temporary total disability benefits from date of discharge until May 18, 1926, or until compensation became legally payable under the World War veterans' act, 1924, as amended.

An investigation conducted by the regional office in Boston, Mass., indicates that the claimant lost approximately four months from his work between the time of his discharge and the date he entered the Grafton State Hospital in June of 1927. He has been in receipt of a temporary total rating since May 19, 1927, and payments covering this award are now going forward.

COMPENSATION TO DAVID SAMUEL GOLDSTEIN

Whether or not a special bill should be enacted excepting this claimant from the general provisions of the act in question is a matter for the Congress to decide. It is the policy of the Veterans' Administration to recommend special legislation only when a legal technicality or administrative error has worked detriment to the person in whose favor special legislation is sought. This claimant does not come within either of these exceptions.

This bill seems identical in substance with S. 2775, Seventy-first Congress, on which a report was made to your committee on February 12, 1930.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Administrator.*