

Calendar No. 328

72D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 313

HARRY P. COOPER

FEBRUARY 24, 1932.—Ordered to be printed

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

REPORT

[To accompany S. 1670]

The Committee on Finance, to whom was referred the bill (S. 1670) granting Harry P. Cooper the privilege of filing application for benefits under the emergency officers' retirement act, having considered the same report it back to the Senate and recommend that the bill do not pass.

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

VETERANS' ADMINISTRATION.
Washington, January 12, 1932.

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

MY DEAR SENATOR SMOOT: Receipt is acknowledged of your letter of December 29, 1931, forwarding for report a copy of S. 1670, Seventy-second Congress, "A bill granting Harry P. Cooper the privilege of filing application for benefits under the emergency officers' retirement act."

This bill would authorize the Veterans' Administration to receive and consider the application of Harry P. Cooper for benefits of the emergency officers' retirement act, notwithstanding the period of limitation prescribed by law for the receipt of such applications. The bill states that Harry P. Cooper was "a duly commissioned captain in Company M, One hundred twenty-fourth Infantry, American Expeditionary Forces, who was honorably discharged from the military service of the United States at Camp Dixon, N. J., December 1, 1919." A report from the Adjutant General's Office, War Department, shows that this veteran served at one time with Company M, One hundred and twenty-fourth Infantry, but states that he was honorably discharged October 31, 1919, as captain, Provost Marshal General's Department. It is presumed that the place of discharge given in the bill is intended to be Camp Dix, not Camp Dixon, N. J.

The Veterans' Administration has no record of ever having received a claim for compensation from Harry P. Cooper. Therefore, it is impossible to state whether he is suffering from a service connected disability, nor can the Veterans' Administration state whether there existed within the time required by law the 30 per cent degree of permanent disability by reason of service connected condition. His application for benefits of the emergency officers' retirement act was received February 6, 1931. It is, of course, necessary to disallow that claim,

inasmuch as it was not received within one year from the date of the approval of that act, as its provisions require.

Although it is unfortunate that this veteran, through mistake or ignorance of his rights, was unable to comply with the requirements of the law within the time limit prescribed, you are informed that undoubtedly there are many other veterans in the same position. It is, as you know, against the policy of the Veterans' 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.

The bill under consideration seems identical with S. 5976, Seventy-first Congress, on which a report was made to your committee on February 16, 1931.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Administrator.*

