

HELMUTH WOLF GRUHL

MAY 7 (legislative day, MAY 6), 1953.—Ordered to be printed

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

REPORT

[To accompany H. R. 1334]

The Committee on Finance, to whom was referred the bill (H. R. 1334) for the relief of Helmuth Wolf Gruhl, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation is that the managing trustee of the Federal old-age and survivors insurance trust fund is authorized to pay, out of such trust fund, the sum of \$868.53 to Helen Mann Gruhl for the use and benefit of Helmuth Wolf Gruhl. Such sum represents the total of child's insurance benefits that would have been payable under title II of the Social Security Act to Helmuth Wolf Gruhl during the period December 1942 to February 1947, if he had known of the death of his father and had filed timely application for such benefits.

STATEMENT OF FACTS

It appears that in 1931 Helen Mann Gruhl married Werner Paul Gruhl, then a German citizen who subsequently was naturalized as a citizen of the United States. In April 1932 a son was born of this marriage, Helmuth Wolf Gruhl, and in 1935 Mrs. Gruhl separated from her husband and took her then 3-year-old son, Helmuth Wolf Gruhl, from their home in Elizabeth, N. J., to Chicago, Ill., and ultimately to Madison, Wis. In June 1941 she obtained an absolute divorce from said Werner Paul Gruhl.

The said Werner Paul Gruhl died on November 8, 1942, in the county of Middlebury, Vt., at which time he was married to Antonio B. Gruhl. Helen Mann Gruhl, the mother of Helmuth Wolf Gruhl, stated in an affidavit that she was not informed and had no knowledge of the death of her former husband until April 1947. She also states

that on November 4, 1942, Antonio B. Gruhl filed a petition for administration, stating that she was the sole heir of Werner Paul Gruhl, whereas the true facts were that the minor son, Helmuth Wolf Gruhl, was also an heir and had such misstatement not been made, the claim for insurance benefits would have been properly made in November 1942. Mrs. Helen Mann Gruhl further states that in June 1947 she made application on behalf of her minor son for child's insurance benefits under title II of the Federal Social Security Act, which benefits were awarded retroactive to March 1947 in the amount of \$17.02 a month and payable until said minor child reaches the age of 18 years. Had she been informed, in 1942, of the death of her husband, and had timely application been made for the benefits, payment from December 1942 through February 1947 would have accrued to the benefit of the said minor child, and would have amounted to \$868.53, which amount is equal to \$17.03 per month for 51 months.

The Department of Health, Education, and Welfare opposes this legislation. However, after careful consideration by the committee, it was its opinion that the claim was meritorious and this minor child should receive the amount to which it would have been entitled had application been filed at the proper time.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, May 4, 1953.

HON. EUGENE D. MILLIKIN,
*Chairman, Committee on Finance,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of March 5, 1953, for a report on H. R. 1334, a bill for the relief of Helmuth Wolf Gruhl.

The bill would provide for the retroactive payment of child's benefits to Helen Mann Gruhl for the use and benefit of Helmuth Wolf Gruhl on the wage record of Werner Paul Gruhl for the period December 1942 to February 1947, amounting to \$868.53.

The facts in the case are as follows: Helmuth Wolf Gruhl is the child of Helen Mann Gruhl and Werner Paul Gruhl, who were divorced some years ago. In May 1947, Helen Mann Gruhl requested the Bureau of Old-Age and Survivors Insurance to furnish her information concerning where and when Werner Paul Gruhl died, and stated that she had in her care a minor child of Werner Paul Gruhl. As a result of this inquiry a claim for child's benefits on behalf of Helmuth Wolf Gruhl was filed in June 1947, and payments were made beginning with March 1947. The Bureau of Old-Age and Survivors Insurance held that the law then in effect prevented the payment of retroactive benefits for the period covered by this bill. The action of the Bureau was upheld on appeal by a referee and by the appeals council.

The law does provide for the payment of retroactive benefits for a limited period when the filing of an application is delayed after the individual is first eligible for payments. Under the law in effect before September 1950, which was applied in this case, this period was 3 months. (The 1950 social security amendments have since increased the period to 6 months—effective with regard to months after August 1950.) The provision for retroactive benefits is intended to permit applicants a reasonable period within which to file without suffering loss in payments but to limit the period of retroactivity.

The language of the Social Security Act indicates that, in providing for retroactive benefits for only a limited period, consideration was given to the possibility that persons otherwise eligible for benefits might delay filing application because of ignorance of their rights, or for other reasons. The courts, in ruling upon claims for payments for periods prior to the 3-month retroactive period originally permitted by the act, have denied payment of such claims. In some of these cases, it was urged by the claimants that they were unaware of their rights to benefits under the act and consequently their rights to benefits were preserved. The courts, however, held that the fact that a claimant is unaware of his rights

under the Social Security Act does not extend rights beyond the statutory period when no application for benefits has been filed as required by statute. See *Ewing v. Risher*, 176 F. 2d 641 (10 Cir. 1949); *Sizemore v. Ewing*, Civil No. 4264 W. D. (Okla.), April 24, 1950; and *Bray v. Ewing*, Civil No. 364 S. D. (Miss.), June 30, 1948.

Special legislation permitting one individual to receive social insurance benefits under conditions identical to those in which benefits are denied to another is undesirable and contrary to the principles underlying the Social Security Act. If any modification of a provision in the act is needed, it should be made in the statute and available to all persons equally. While we appreciate the feelings of the claimants in this matter we do not believe that their case merits this unusual treatment.

For these reasons, we do not recommend enactment of this bill by the Congress.

The Bureau of the Budget advises that there is no objection to the submission of this report to your committee.

Sincerely yours,

OVETA CULP HOBBY, *Secretary*.

