

# Calendar No. 378

72D CONGRESS  
1st Session

SENATE

REPORT  
No. 359

JOHN SPIROPOULOS

FEBRUARY 24 (calendar day, MARCH 1), 1932.—Ordered to be printed

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

## REPORT

[To accompany S. 1885]

The Committee on Finance, to whom was referred the bill (S. 1885) granting compensation to John Spiropoulos, having considered the same, report it back to the Senate and recommend that the bill do not pass.

The purpose of this bill is to grant compensation to the claimant at the rate of \$100 per month "notwithstanding the provisions of the World War veterans' act, 1924, as amended."

The veteran was awarded compensation on August 19, 1919, for service connected disability. On March 3, 1924, it was determined that the veteran's disability was not the result of military service. This opinion was sustained by the central board of appeals and the director on appeal.

The case was rerated on January 6, 1931, based upon additional evidence from the office of The Adjutant General and a physical examination report dated December 8, 1930. Service connection was again denied. Service connection, however, was granted for general medical condition diagnosed as chronic myocarditis from history. This disability was held to be less than 10 per cent. The evidence submitted by the claimant tends to show that he sustained a fall while in the service which completely upset his nervous system and from which an organic nervous condition developed. Both the medical and lay evidence submitted to the committee tend to show that the claimant is totally disabled; that prior to his service he was in good health and in normal condition. The case has been passed upon by the Veterans' Administration and while no application for disability allowance has been filed, it is the opinion of the regional office as of January 6, 1931, that the findings do not "justify a rating

of permanent partial 25 per cent or more." The report of the Administrator of Veterans' Affairs is as follows:

VETERANS' ADMINISTRATION,  
Washington, January 14, 1932.

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

MY DEAR SENATOR SMOOT: This is in reply to your letter of December 29, 1931, with which you forwarded for report a copy of S. 1885, Seventy-second Congress, a bill granting compensation to John Spiropoulos. It seems that this bill is identical in purpose with S. 2057, Seventieth Congress, and S. 925, Seventy-first Congress, on which reports were made to your committee on February 7, 1928 and July 13, 1929, respectively.

The bill proposes to authorize the payment of compensation benefits at the rate of \$100 per month to John Spiropoulos, C-229347, during his lifetime, notwithstanding the provisions of the World War veterans' act.

The records of the Veterans' Administration disclose that Mr. Spiropoulos enlisted in the military service on August 4, 1917, and was honorably discharged on April 7, 1919. Defects noted at enlistment were scar from appendicitis five years ago, and three defective teeth. Defects noted at discharge were scar appendectomy; rheumatism; heart normal, maximum improvement obtained, no disability. The records show that the veteran was treated while in the service from August 23 to September 19, 1917, for a severe sprain of the left ankle accidentally incurred while wrestling; from February 23 to April 11, 1918, for pharyngitis; from April 12 to June 26, 1918, for chronic myocarditis; from July 25 to 26, 1918, for observation, diagnosed as malingerer; from September 17 to 26, 1918, for chronic arthritis; from September 27 to October 18, 1918, for slight chronic hypertrophic arthritis, involving left shoulder and left knee; and from October 25 to November 5, 1918, for influenza.

Claim for disability compensation was filed on June 26, 1919, the veteran claiming disability resulting from chronic valvular heart disease and pericarditis. He was awarded compensation on August 19, 1919, on account of neurasthenia and hypochondriasis, which continued in various amounts until March 3, 1924, when it was determined that the veteran's disability was not the result of military service. This opinion was sustained by the central board of appeals and the director on appeal.

On January 6, 1931, based upon additional evidence from the Office of The Adjutant General and a physical examination report dated December 8, 1930, the regional office rerated the case denying service connection for conditions diagnosed as whizzing in ears, deviated nasal septum, chronic infected tonsils, chronic bronchitis, neurasthenia, hypochondriasis, post-traumatic lunacy and history of malingerer. His neuropsychiatric condition diagnosed as constitutional psychopathic state, was held to be a mental inferiority and not a disease or injury within the meaning of the World War veterans' act. Service connection was granted for general medical condition diagnosed as chronic myocarditis from history. This condition is of noncompensable degree according to the decision made.

The veteran has not applied for disability allowance under the amendatory act of July 3, 1930, but it is the opinion of the regional office that the findings as made in the last physical examination quoted above would not justify a rating of permanent partial 25 per cent or more, and that therefore this veteran would not be entitled to any benefits under the disability allowance provisions of the act. The last rating includes a notation that a permanent and total disability rating is not warranted for either insurance or compensation purposes.

It is believed that the committee will be able to determine from the above report the merits of this bill and the propriety of its passage. It is suggested, however, that the facts of record in this office do not indicate that this claim is of greater merit than many others in which benefits have been denied for the reason that the veteran could not show that he was entitled to the liberal provisions of the World War veterans' act, as amended.

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.

This claimant does not come within either of these exceptions.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, Administrator.