

Calendar No. 317

72D CONGRESS }
1st Session }

SENATE

} REPORT
No. 298

JOSEPH C. SHAW

FEBRUARY 24, 1932.—Ordered to be printed

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

REPORT

[To accompany S. 103]

The Committee on Finance, to whom was referred the bill (S. 103) for the relief of Joseph C. Shaw, having considered the same, report it back to the Senate and recommend that the bill do not pass.

The report of the Veterans' Administration 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: This is in response to your letter of December 17, 1931, with which you forwarded for report a copy of S. 103, Seventy-second Congress, "A bill for the relief of Joseph C. Shaw." This bill appears to be identical in substance with S. 2275, Seventy-first Congress, on which a report was made to your committee on January 16, 1930.

The bill proposes to authorize the Director of the United States Veterans' Bureau to receive and consider the application of Captain Shaw for benefits under the emergency officers' retirement act of May 24, 1928.

The records disclose that Captain Shaw entered commissioned service May 2, 1918, and was discharged for the convenience of the Government on December 21, 1918. During such service he received treatment for colitis, diarrhea, hysteria, and psychoneurosis. The last-named condition was held by the military authorities to have "existed prior to commission."

Compensation payments from date of discharge have been released in varying amounts with the exception of the period between February 1, 1924, and October 23, 1927, during which time all disabilities were rated as less than 10 per cent disabling. On the date of the passage of the emergency officers' retirement act, viz, May 24, 1928, the claimant was in receipt of a temporary partial 10 per cent rating entitling him to compensation payments in the amount of \$9.50 per month. This rating was increased to a temporary partial 64 per cent rating on October 31, 1928, and this latter evaluation is now in effect. It will be noted that at no time has a permanent rating been ascribed by reason of any of the claimant's service-connected conditions.

It does not appear in the Veterans' Administration records that any claim, formal or otherwise, was made for retirement benefits, and it is further indicated by a letter from the claimant, addressed to the United States Veterans' Bureau, Wichita, Kans., on November 25, 1929, that he first learned of the existence of

the emergency officers' retirement act on November 11, 1929, when he appeared before the claims and rating board in that office.

It is believed that the committee will be able to determine for itself from the above report the merits of the bill and the propriety of its passage.

It is suggested, however, that the facts of record fail to indicate that this claim has greater merit than the many others in which the claimant failed to establish a right to the benefits of the emergency officers' retirement act because of inadequacy of rating or for failure to file application within the prescribed time limit.

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.

Should the committee give further consideration to this bill, it is suggested that the words "Director of the United States Veterans' Bureau" be changed to "Administrator of Veterans' Affairs."

A copy of this letter is enclosed for your use.

Very truly yours,

FRANK T. HINES, *Administrator.*

