

Calendar No. 337

72D CONGRESS }
1st Session }

SENATE

} REPORT
No. 319

NEWDIGATE MORELAND OWENSBY

FEBRUARY 24 (calendar day FEBRUARY 25, 1932).—Ordered to be printed

Mr. WALSH of Massachusetts, from the Committee on Finance submitted the following

REPORT

[To accompany S. 2566]

The Committee on Finance, to whom was referred the bill (S. 2566) for the relief of Newdigate Moreland Owensby, 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 waive the requirements of the general law fixing a limitation on the time when petitions for retirement under the so-called emergency officers' retirement act may be filed.

The facts in the case are as follows:

The emergency officers' retirement act became law on May 24, 1928. It provided that no person should be entitled to the benefits thereunder unless the application was received by the Veterans' Bureau within 12 months after May 24, 1928. The records of the Veterans' Administration show that Mr. Owensby never presented a claim for benefits under the emergency officers' retirement act. He now seeks by special legislation to have Congress waive the requirements in his case—the requirements of time for filing petitions and to authorize and direct the Administrator of Veterans' Affairs to adjudicate a claim for him under the act in the same manner as if it had been filed within the specified time. If the special legislation requested in this bill were enacted, it would establish a precedent which would permit every emergency officer to be given the benefits of the precedent herein established for all time.

Incidentally, the records of the Veterans' Administration show that Mr. Owensby is in receipt of disability allowance at the rate of \$24 per month, such an award being effective from June 27, 1931.

NEWDIGATE MORELAND OWENSBY

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

VETERANS' ADMINISTRATION,
Washington, January 28, 1932.

HON. REED SMOOT,
*Chairman Committee on Finance,
United States Senate.*

MY DEAR SENATOR SMOOT: Reference is made to your letter of January 11, 1932, transmitting a copy of S. 2566, a bill for the relief of Newdigate Moreland Owensby, requesting a report thereon.

This bill proposes that in the administration of the act entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War" the Administrator of Veterans' Affairs is authorized and directed to adjudicate the claim of Newdigate Moreland Owensby in the same manner as if it had been filed within the time provided in section 2 of said act.

This act, known as the emergency officers' retirement act, became a law on May 24, 1928, and contained a provision that no person should be entitled to the benefits thereunder unless application therefor be received in the United States Veterans' Bureau within 12 months after May 24, 1928.

It is shown by the records that this veteran, under claim No. 1817947, is in receipt of disability allowance at the monthly rate of \$24, such award effective from June 27, 1931.

The records of this administration fail to show that Mr. Owensby ever presented a claim for the benefits provided for in the act of May 24, 1928.

There does not appear to be any greater merit in this case than in many others where the benefits of the emergency officers' retirement act have been denied because of the various restrictions contained in the act.

It is, as you know, contrary to the policy of the administration to recommend special legislation, except where legal technicality or administrative error has resulted in detriment or disadvantage to the person in whose favor special legislation is sought. This case does not come within either exception.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, Administrator.