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72D CONGRESS }
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SENATE

} REPORT
No. 299

RELIEF OF FREDERICK ROLAND HICKEY

FEBRUARY 24, 1932.—Ordered to be printed

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

REPORT

[To accompany S. 104]

The Committee on Finance, to whom was referred the bill (S. 104) for the relief of Frederick Roland Hickey, 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: Reference is made to your communication of December 29, 1931, transmitting a copy of S. 104, Seventy-second Congress, "A bill for the relief of Frederick Roland Hickey," requesting a report as to the merits thereof.

This bill proposes to authorize and direct the Director of the United States Veterans' Bureau to receive and consider the application of Frederick Roland Hickey, late a captain in the Medical Corps of the United States Army, for the benefits of the emergency officers' retirement act of May 24, 1928, in accordance with the provisions of said act.

The records of the Veterans' Administration show that Frederick Roland Hickey was appointed a first lieutenant in the Officers' Reserve Corps on June 22, 1917, and was called to duty on July 30, 1917, no disabilities being noted at that time.

The Adjutant General's office reports that during this service, he suffered from psychosis, undiagnosed, and psychoneurosis, neurasthenia, in line of duty. He was honorably discharged on February 5, 1919. He filed claim for disability compensation on September 12, 1922, alleging a disability described as nervousness from shell injury and shock and injury to lungs from gas. Service connection was granted for the scar resulting from a gunshot wound in the head and psychoneurosis, and both were rated as of less than 10 per cent degree until March 13, 1930, when disability compensation was awarded on the basis of the following rating:

Surg.: Temporary partial less than 10 per cent from date of discharge to March 12, 1930. Permanent partial less than 10 per cent from March 13, 1930. Incurred in or aggravated by service as provided in section 300, war-risk insurance act as amended. Scars, gunshot wound, scalp and right hand, slight.

Variants: Head, 7; hand, 9.

Resp.: Disability not incurred in nor aggravated by service. Bronchitis, chronic, moderate-emphysema, moderate.

N. P.: Temporary partial less than 10 per cent from date of discharge to March 12, 1930. Temporary partial 44 per cent from March 13, 1930. Incurred in or aggravated by service as provided in section 200, World War veterans' act, 1924. Psychoneurosis, moderate.

Variant: Nervous system, 9.

The disabled emergency officers' retirement act permits payments of retirement benefits only when claim was filed and a permanent disability of 30 per cent or more was found to exist, within one year from May 24, 1928, the date of its enactment. Therefore not only was Mr. Hickey's claim, which was filed May 3, 1930, too late, but the rating was inadequate as well. His claim seems to present no greater merit than many others that have been disallowed for either of these reasons; i. e., either for inadequate degree of disability or for failure to file application within the specified time limit.

Whether or not a special bill should be enacted excepting this claimant from the general provisions of the act in question is a matter for the Congress to decide. It is the policy of the Veterans' Administration to recommend special legislation only when a legal technicality or administrative error has worked detriment to the person in whose favor special legislation is sought. This claimant does not come within either of these exceptions.

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 inclosed for your use.

Very truly yours,

FRANK T. HINES, *Administrator.*

