

# Calendar No. 361

72D CONGRESS }  
1st Session }

SENATE

{ REPORT  
No. 342 }

## RELIEF OF GEORGE A. BANTA

FEBRUARY 24 (calendar day, FEBRUARY 26), 1932.—Ordered to be printed

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

### REPORT

[To accompany S. 3052]

The Committee on Finance, to whom was referred the bill (S. 3052) for the relief of George A. Banta, having considered the same, report it back to the Senate and recommend that the bill do not pass.

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

VETERANS' ADMINISTRATION,  
Washington, February 5, 1932.

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

MY DEAR SENATOR SMOOT: Receipt is acknowledged of your letter of January 18, 1932, inclosing a copy of S. 3052, Seventy-second Congress, first session, a bill for the relief of George A. Banta, for investigation and report.

This bill would authorize the Administrator of Veterans' Affairs to receive and consider the application of George A. Banta, late a captain of Infantry, United States Army, for the benefits of the emergency officers' retirement act of May 24, 1928, in accordance with the provisions of said act.

George A. Banta was appointed captain of Infantry on November 27, 1917, and was honorably discharged July 30, 1919. Under date of January 12, 1920, Captain Banta executed Form 526, claim for compensation, and was awarded \$20 per month commencing July 31, 1919, up to and including July 15, 1920, at which date his award was increased to \$80 per month. He was notified on January 25, 1921, that it would be necessary to discontinue payments of compensation to him on January 31, 1921, in view of his failure to report for physical examinations in accordance with requests dated August 17, 1920, September 18, 1920, and October 1, 1920. As you know, section 203 of the World War veterans' act (then sec. 303 of the war risk insurance act) provides that persons receiving compensation shall report for physical examination when so requested, and authorizes the termination of compensation upon failure to comply with such request. Mr. Banta was informed at the same time that further arrangement would be made for his physical examination if he would so request. He failed to communicate with the bureau and payments of compensation to him were terminated on January 31, 1921.

Under date of August 31, 1920, Captain Banta was reimbursed in the amount of \$297.50 for medical and hospital expenses incurred in an emergency due to an operation for the removal of appendix and intra-abdominal adhesions.

Under date of March 12, 1929, Captain Banta was informed of the passage of the emergency officers' retirement act and was furnished an application and advised that such application would have to be filed in Washington on or before May 24, 1929, otherwise such claim would not be valid.

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, and there are indoubtedly many others in the same position as Mr. Banta. It is my opinion that any legislation looking toward relief in such cases should be made applicable to all within the same class. It is, as you know, contrary to the policy of the administration to recommend special legislation in individual cases, except where 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.

In this connection your attention is invited to the fact that several bills of a general nature having for their purpose the granting of relief to such former officers by extending the time for filing applications for the benefits of the emergency officers' retirement act have been introduced in the present Congress. The chairman committee on Military Affairs, United States Senate, has requested a report from this administration regarding S. 2683; which is one of the bills referred to. The report is being prepared at this time.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Administrator.*

The claimant submitted an affidavit, setting out his injury and disability and concluding with the following:

Was not reliably informed regarding benefits of Tyson-Fitzgerald Act until after date of filing claim expired; belong to American Legion, but account physical and working conditions was unable to attend many meetings; was not informed in time by Legion and did not receive Legion magazine; wore glasses until recently and did not read newspapers very much during 1928 and 1929.

The affidavit was made December 5, 1930, in support of similar bill then before the committee.

