

Calendar No. 353

72D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 334 }

TO AMEND SECTION 19 OF THE WORLD WAR VETERANS' ACT, 1924

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. 2185]

The Committee on Finance, to whom was referred the bill (S. 2185) to amend section 19 of the World War veterans' act, 1924, as amended, 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 provide the authorization of a presumption of disagreement as to a claim for insurance upon lapse of a specified time following the filing of a claim for insurance benefits.

THE FACTS

Under the present law there is no time fixed for hearing, adjudicating, or filing of appeals of insurance claims, before the claimant files suit. This proposal would automatically authorize a presumption of disagreement to permit suit to be filed in the event the Veterans' Administration fails or refuses to act on an insurance claim for a period of six months after receipt of the claim.

The Veterans' Administration states that it frequently takes an extended period of time to accumulate evidence pertinent to an equitable decision and if a provision of this nature is inserted in the law, a claimant could neglect to file evidence and thus permit the lapse of time which would give him the right to file suit. The Veterans' Administration believes that section 19 of the present law provides ample time to all claimants and should not be changed until it has been sufficiently demonstrated that a hardship results to a claimant or group of claimants, in the administration of the provisions of this section of the present law. The Administrator of Veterans' Affairs

believes the claimant should exhaust all facilities available for an adjudication of a claim before claimant files suit.

S. 234 and S. 1675 are for the same purpose.

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

VETERANS' ADMINISTRATION,
Washington, February 8, 1932.

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

MY DEAR SENATOR: Receipt is acknowledged of your letter of December 29, 1931, with which you forwarded for report a copy of S. 2185, Seventy-second Congress, a bill to amend section 19 of the World War veterans' act, 1924, as amended.

The purpose of this bill is to amend the second paragraph of section 19 of the World War veterans' act, as amended, to authorize a presumption of disagreement as to a claim for insurance upon lapse of time following the filing of a claim for insurance benefits.

With reference to this provision, it is the opinion of the Administrator of Veterans' Affairs that all facilities available for the hearing, adjudication, and appeal of claims by the Veterans' Administration should be exhausted before the claimant files suit. For this reason, it is suggested that the law should not be amended to provide for automatic disagreement after a claim has been pending in the Veterans' Administration for a specified period of time. It frequently takes an extended period of time to accumulate evidence pertinent to an equitable decision and if a provision of this nature is inserted in the law, a claimant could neglect to file evidence and thus permit the lapse of time which would give him the right to file suit.

It is believed that section 19, as included in the World War veterans' act at present, provides ample remedies to all claimants and should not be amended until it has been sufficiently demonstrated that a hardship results to a claimant or a group of claimants.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES,
Administrator.

