

# Calendar No. 714

72D CONGRESS  
1st Session

SENATE

REPORT  
No. 674

## ROBERT EMIL TAYLOR

MAY 9 (calendar day, MAY 10), 1932.—Ordered to be printed

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

### REPORT

[To accompany S. 3543]

The Committee on Finance, to whom was referred the bill (S. 3543) for the relief of Robert Emil Taylor, having considered the same, report thereon with the recommendation that it do pass.

#### STATEMENT OF FACTS

Robert Emil Taylor enlisted August 28, 1918, and was honorably discharged July 19, 1919. He was granted an industrial furlough November 16, 1918, and was returned to duty from the furlough July 17, 1919, and finally discharged, as stated, July 19, 1919. His period of military service, exclusive of the industrial furlough, was 84 days.

After the signing of the armistice volunteers were called for to serve on ships engaged in the transportation of troops. Mr. Taylor, having had previous service in the Navy, volunteered to join the forces of the Shipping Board engaged in the above work. He did not know that his military status would be changed and in fact assumed that it was an act of loyalty to volunteer for this new service for which he was specially qualified. Your committee is satisfied from the evidence submitted that Mr. Taylor did not know nor did he have reason to believe that his military status would be changed and that if he had known of such fact he would not have accepted such industrial furlough.

While on said industrial furlough, engaged in the transportation of troops, Mr. Taylor was injured and said injury has necessitated the amputation of one of his legs.

Your committee is, therefore, of the opinion that Mr. Taylor is entitled to have said industrial furlough included in his active military service.

The report of the Veterans' Administration is as follows:

VETERANS' ADMINISTRATION,  
Washington, April 27, 1932.

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

MY DEAR SENATOR SMOOT: This is in reply to your request for a report on S. 3543, Seventy-second Congress, "A bill for the relief of Robert Emil Taylor."

The bill, as drafted, provides in substance that for the purposes of adjudicating the claims of this veteran both for disability allowance benefits under the World War veterans' act, 1924, as amended July 3, 1930, and adjusted compensation under the World War adjusted compensation act, as amended, the Veterans' Administration shall include as active military service during the period of the World War the service of the veteran from August 28, 1918, to the date of his discharge, July 19, 1929, notwithstanding the industrial furlough on which he was ordered from November 16, 1918, to July 17, 1919.

An examination of the official records of the service departments shows that the veteran enlisted August 28, 1918, and was honorably discharged July 19, 1919. He was granted an industrial furlough November 16, 1918, and was returned to duty from the furlough July 17, 1919, and finally discharged, as stated, July 19, 1919. His period of active military service, therefore, was as follows: August, 1918, 4 days; September, 1918, 30 days; October, 1918, 31 days; November, 1918, 16 days; and July, 1919, 3 days, aggregating a total of 84 days' active service; all dates inclusive.

Since it is clear that the veteran did not have 90 days or more active service during the period of the World War, it is obvious that the claim does not come within the purview of the statute and as a consequence he may not be granted an award of disability allowance under its terms.

The World War adjusted compensation act provides for the computation of the adjusted service credit in the amount specified therein "for each day of active service in excess of 60 days in the military or naval forces of the United States \* \* \*" Section 202 of that act denies allowance of any credit to " \* \* \* (g) any individual granted a farm or industrial furlough for the period of such furlough."

In view of the foregoing quoted provisions, it is apparent that Mr. Taylor is not entitled to an adjusted-service certificate under the present law.

The third matter for consideration is that of disability compensation under the World War veterans' act, as amended. That act, in section 200, provides for the payment of compensation benefits only to those who were disabled as a result of personal injury suffered or disease contracted in the military service, or for an aggravation or recurrence of disability existing prior to entry into service, with certain exceptions relative to diseases first manifest within the specified time after service and by reason of their nature presumed to have been incurred in or aggravated by service.

For the purposes of compensation, the administration has from its inception construed military or naval service to refer only to active military or naval service, excepting short periods on pass or authorized leave of absence as distinguished from relief from active duty by such as an industrial furlough. Therefore, Mr. Taylor would not be entitled to compensation for a disability incurred while on an industrial furlough.

In view of the fact that this veteran served in the active military service 84 days, counting all dates of such service inclusive, while this office can not recommend the proposed legislation providing for special recognition, yet, if your committee has in its possession evidence tending to show that the veteran believed his military status was not changed by the industrial furlough, no objection is interposed to the passage of this proposed measure.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, Administrator.

