

Calendar No. 323

72D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 308

GRANTING COMPENSATION TO JOHN FROST

FEBRUARY 24, 1932.—Ordered to be printed

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

REPORT

[To accompany S. 1310]

The Committee on Finance, to whom was referred the bill (S. 1310) granting compensation to John Frost, 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 letter of December 29, 1931, forwarding for report a copy of S. 1310, Seventy-second Congress, "A bill granting compensation to John Frost."

The bill proposes to authorize the Director of the United States Veterans' Bureau to pay compensation at the rate of \$30 per month to John Frost, C-609729.

The records of the Veterans' Administration show that John Frost enlisted in the military service on September 27, 1918, and was honorably discharged on December 12, 1918. An inactive disability of misconduct origin was noted at time of enlistment but no disability was noted on examination at date of discharge. While in the service the claimant was treated from October 2 to October 19, 1918, for influenza. No additional medical record found.

On March 23, 1921, Mr. Frost executed an application for disability compensation, alleging a disability of "very bad leg, may have to take it off," which began June 1, 1920. In this application the claimant stated that he did not know the cause of the disability or when and where it was received.

On examination conducted by the Veterans' Bureau April 19, 1921, the claimant was found to be suffering from sarcoma over head of right fibula. The examiner recommended that he be hospitalized for treatment of this condition. Mr. Frost was admitted to the United States Public Health Service Hospital, Houston, Tex., on May 19, 1921, for treatment, and remained in the hospital until September 28, 1921, when he was discharged, the condition having been improved.

On a review of the file made October 7, 1921, it was held that the evidence was insufficient to show service connection. The claimant submitted additional evidence in the form of affidavits for the purpose of establishing service connection for his disability, but this evidence was found to be insufficient. On January

3, 1923, he was admitted to the United States Veterans' Hospital, St. Louis, Mo., for observation and treatment. He was transferred from the hospital at St. Louis to the veterans' hospital, Jefferson Barracks, Mo., on March 16, 1923, and remained in the latter hospital until August 8, 1923, when he was discharged because further hospitalization was unnecessary. The report of examination made prior to discharge shows general health excellent and the excision of the tumor mass, which was diagnosed as benign, based on the "recovery and absence of recurrence or metastasis and the excellent general condition of the patient." There is a statement of record to the effect that in July, 1924, his right leg was amputated.

The complete file in this case has been reviewed by the several rating and appellate agencies of the Veterans' Administration and it is the opinion of all that the disability from which the claimant is suffering was not incurred in or aggravated by his military service. In view of the above, there is no authority to award compensation to the claimant under existing legislation.

No application for disability allowance has been filed. However, owing to the fact that the claimant served less than 90 days in active service, a claim for disability allowance under section 200 of the World War veterans' act, as amended July 3, 1930, could not be given favorable consideration.

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."

It is believed that the committee will be able to determine from the above report the merits of the bill and the propriety of its passage.

I wish to suggest that it does not appear from the facts of record that this claim presents greater merit than many others that have been disallowed for the reason that the disability was not service connected and the applicant could not establish claim to disability allowance because his service was less than the requisite 90 days.

It is, as you know, against the policy of the Veterans' Administration to recommend special legislation except where administrative error or legal technicality has worked detriment or disadvantage to the person in whose favor legislation is sought.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Administrator.*

