

Calendar No. 336

72D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 318 }

IKE F. KEARNEY

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. 2524]

The Committee on Finance, to whom was referred the bill (S. 2524) for the relief of Ike F. Kearney, 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 grant through a special act of Congress the disability allowance provided for veterans under the provisions of section 200, World War veterans' act, 1924, as amended July 3, 1930. Further, it requests that the disability allowance be adjudicated by the Congress to award to the veteran the amount provided in such section for permanent and total disability.

The facts in this case are as follows:

The records of the Veterans' Administration show this veteran filed and has pending a claim for compensation (C1307389) based on alleged service-connected disabilities. The claim was disallowed by the Veterans' Administration for the reason that the claimant's disabilities were not shown to be the result of his military service. There is no record in the Veterans' Administration of this veteran having filed an application for disability allowance under the World War veterans' act, 1924, as amended July 3, 1930. The veteran has the right under existing law to file a claim for disability allowance and to be granted the benefits thereof, if his disabilities are of a ratable degree. Instead of filing a claim under the existing law, the veteran seeks by special legislation to be granted a disability allowance of permanent total disability.

If the relief asked for in this bill is enacted into law, it would establish a precedent of granting disability allowance by special acts of Congress without recourse to the requirements of the general law providing for disability allowance that all other veterans are subjected to.

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

VETERANS' ADMINISTRATION,
Washington, January 26, 1932.

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

MY DEAR SENATOR SMOOT: Reference is made to your letter of January 11, 1932, transmitting a copy of S. 2524, a bill for the relief of Ike F. Kearney, and requesting a report thereon.

The records of this administration show that this veteran's claim (C-1307389) for compensation based on alleged service-connected causes stands disallowed for the reason that claimant's disability is not shown to be the direct result of his military service or to be incident thereto on presumption, or to have been aggravated by military service.

There is no record in this office of a claim having been filed for disability allowance benefits under the World War veterans' act, as amended July 3, 1930, and until the veteran's rights under that act are determined following the filing of a claim, it does not appear that special legislation would be in order.

It is, as you know, contrary to the policy of the administration to recommend special legislation, except when a legal technicality or administrative error has worked detriment to the person in whose favor legislation is sought. This claim does not come within either exception.

A copy of this letter is inclosed for your use

Very truly yours,

FRANK T. HINES, *Administrator.*

