

July 2021

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### Recommended Citation

John C. Vivian, The Law of the Veteran, 9 Dicta 291 (1931-1932).

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# THE LAW OF THE VETERAN

*By John C. Vivian of the Denver Bar*

**B**ENEFITS to veterans of the World war and other wars have grown so rapidly with the continual enactment of legislation by a beneficent government that many of the former defenders of the nation are even now unapprised of the advantages which accrue to them because of their military service.

More progress has been made in behalf of those men and women who participated in the World war than the veterans of other wars because the demands of the last conflict were greater than ever before.

## COMPENSATION

Compensation is available to those men and women who served between April 6, 1917 (the date of our entry into the war) and July 2, 1921, when the hostilities were officially declared at an end. It is payable for disability occurring in the service between the aforesaid dates. It is also available to a soldier suffering a disability prior to April 6, 1917, provided he was in continuous service following that date.

Compensation is also payable where a beneficiary suffers any injury or an aggravation thereof as a result of hospitalization or medical or surgical treatment lawfully awarded by the administration and not the result of his own wilful misconduct, provided, however, such cases may be compensated in the event that the veteran has become helpless or bedridden as a result of such disability. Should death result, service connection will be granted and dependency compensation paid to those entitled to it. Application for the latter must be made within two years after the injury or aggravation was suffered or death occurred or after June 7, 1924, whichever is the later date.

Another requirement is that the applicant must have been honorably discharged from the military establishment.

The disease must have been incurred in, traceable to or aggravated by military service resulting in physical or mental disability, provided such disability was not caused by wilful misconduct.

## HOSPITALIZATION

Veterans of any war, military expedition or occupation, including women who served as contract nurses, between April 21, 1898, and February 2, 1901, are eligible under the law for hospitalization and reimbursement of burial expense.

All such claims are handled by the several regional offices of the Veterans' Administration, at least one of which is located in each state.

Hospitalization is furnished by the government gratis, to all World war veterans who are suffering from service connected disabilities.

Veterans of any war not dishonorably discharged are entitled to hospitalization in government institutions, provided facilities are available.

Allied veterans are entitled to treatment in hospitals only for service disabilities on prior authority from the government concerned, under treaty arrangement.

Non-service connected cases which are financially unable to clothe themselves while in hospitals are furnished the necessary garments by the Veterans' Bureau.

Service connected disabilities may receive treatment by designated examiners in the neighborhood of their homes when necessary. Out patient treatment is also provided in regional offices.

Hospitalization is obtained by direct application to the regional office having jurisdiction in both service and non-service connected cases. The request should be made by the veteran supported with a doctor's statement showing what disease or injury he is suffering from and describing his condition in definite terms. Forms for this purpose are available at the regional office.

There is no authority under the law for the treatment of non-service connected disabilities outside of government hospitals except for women veterans. If an emergency exists, the veteran or his physician, or both, should telephone the chief medical officer and give him all the facts. If the case is a service connected one, the medical officer has ample authority to arrange for immediate care. If the condition is not service connected, this officer is limited to such government facilities as are available. As long as there is a shortage of hospital

beds, which is the situation at present, the immediate care of non-service connected cases is practically an impossibility.

The government will pay transportation expenses from the home of the veteran to the nearest hospital when previously authorized by the Veterans' Bureau. The law permits the administration to reimburse the veteran for unauthorized medical treatment only in those cases where the disability is service connected and an emergency existed.

It should be borne in mind that the veteran should not present himself directly to a government hospital but should follow the procedure outlined above. Authority from the Veterans' Bureau for hospitalization as well as traveling expenses must positively be secured from the Regional Office before the veteran starts on his journey to the hospital.

#### PHYSICAL EXAMINATIONS

The law confers upon the administration the right to examine or re-examine a government beneficiary at such time or place as may be reasonably required. If the veteran neglects, refuses or obstructs such examination, his right to compensation may be suspended during the period of neglect, refusal or obstruction and any additional disability resulting from a refusal to accept treatment will not be compensated.

#### DISABILITY ALLOWANCE

Disability allowance is available to those men of the World war whose defect is permanent and not attributable or traceable to the service and not the result of his own wilful misconduct. It varies in amount from \$12.00 a month for a 25 per cent disability to \$40.00 a month for a total disability. It was enacted in order to provide what is virtually a pension for those men who are disabled, not as a result of service or who cannot establish service connection.

Any honorably discharged person who entered the service prior to November 11, 1918, who served 90 days or more during the World war and who is entitled to exemption from payment of income tax for the preceding year and who has a permanent disability in excess of 25 per cent not the result of his own wilful misconduct, is eligible for the award.

## INSURANCE

Government war risk insurance is payable to the beneficiaries of those men who took out policies while they were in the service or since. This protection is also paid to the insured if he become permanently and totally disabled, at the rate of \$5.75 per month for every \$1,000.00 of insurance carried.

If the government denies the claim for insurance on account of total permanent disability or death, suit may be brought against the United States in the Federal District Court. No action may be maintained for compensation as distinguished from insurance.

Suits of this character are of a contingent nature so far as the attorney's fee is concerned. The latter is allowable up to 10 per cent of the amount recovered in the discretion of the court. The action may be maintained only after a claim has been submitted to the administrator of veterans affairs and denied by him.

## VETERANS ADMINISTRATION

The veterans administration has complete charge of all affairs relating to veterans of any and all wars in which the United States has been engaged. This includes the Veterans and Pension Bureaus and the National Soldiers Homes. Each is in charge of an assistant administrator accountable to the administrator of veterans affairs.

## CLAIMS

Briefly, all claims arising out of or after the death of a veteran are handled by central office in Washington while those for hospitalization, compensation, disability allowance, and similar items affecting the disabled, are the concern of the regional offices with the right of appeal to a board of review, divided into areas and the administrator's board of appeals as a final resort. The area board of review office for the West is located at San Francisco.

When a veteran dies from a service connected disability, compensation may be paid to his widow, children or dependent parents. Such payments to a widow continue until her remarriage or death, to a child until it reaches the age of

eighteen or marries and to parents during the period of dependency.

When a person receiving or who is entitled to receive compensation or insurance dies, the amount due and accrued is payable to the estate of deceased. If the sum involved is in excess of \$1,000.00 it is paid to the administrator or executor thereof. If less than this amount, it is relinquished in accordance with the intestacy law of the state in which the decedent had his last legal residence.

Disability compensation may be allotted by a beneficiary of the administration for the benefit of any person entitled thereto when the payee has been hospitalized for treatment by the government for 60 days or more. Such compensation will likewise be apportioned under regulations to wives and children of estranged parents or those not living together.

#### ATTENDANT ALLOWANCES

An additional allowance of not to exceed \$50.00 a month may be granted during a period when personal assistance is needed by the veteran, but not while hospitalized at government expense. To secure such allowance it must be shown that the disabled person needs assistance in dressing, bathing, keeping in a presentable condition and feeding and protecting himself from hazards or dangers incident to his daily environment.

#### APPLIANCES

The administration will furnish orthopedic and prosthetic appliances (artificial limbs, braces, etc.) without cost and as often as necessary in all service connected cases requiring the same, and non-service connected cases requiring hospitalization when the veteran is financially unable to furnish them.

#### LOSS OF WAGES

Any veteran undergoing physical examination or observation by the Veterans Bureau may be paid \$2.65 per day as a partial reimbursement for his loss of wages. Total reimbursement, when added to compensation payable, cannot exceed \$80.00 in any one month.

## D I C T A

## BURIALS

Funeral and burial expense of \$100.00 and an American flag, are allowed where a veteran dies subsequent to April 6, 1917, provided he is drawing compensation from the government. Any veteran of any war not dishonorably discharged who leaves an estate of less than \$1,000.00 is likewise entitled to this benefit. All postmasters at county seats are authorized to furnish flags with which to drape the casket.

If death occurs while a beneficiary is ensconced in a governmental institution, the veteran will be allowed transportation expenses to the place of burial.

Burial may be had in a national cemetery if desired by the persons entitled to the custody of the body. Application must be made to the superintendent of national cemeteries, Washington, D. C., and a certified copy of discharge forwarded.

## HEADSTONES

Headstones will be furnished for unmarked graves of soldiers who served in any branch of the service when application is made to the quartermaster general of the Army. They will be shipped, freight prepaid by the government, to the nearest railroad station or steamboat landing.

## GUARDIANSHIP

Guardianship under state statutes is necessary where the beneficiary is a minor or mentally incompetent.

## INSPECTION OF FILES

All records relating to a claim for insurance or compensation are confidential except to the claimant or his duly authorized representative and only then as to matters relating to the veteran himself, provided that such disclosure would not be detrimental or injurious to his physical and mental well-being.

Accredited service organization representatives are authorized to review case folders when requested to do so by claimants.

Development of evidence in the prosecution of claims is a technical subject and must conform to the law, and the

rules and regulations promulgated by the veterans administration.

#### DEPENDENCY COMPENSATION

Additional compensation on account of dependents is payable to a veteran rated as temporary. No additional allowance is made for those on a permanent basis. Widows and children or dependent parents of a veteran who died of a service incurred disability are likewise entitled to allowances on this account.

#### ADJUSTED COMPENSATION

Adjusted compensation, otherwise known as the bonus, is available to thousands of veterans who have not applied for it. Applications may be made until January 2, 1935. The certificate has a loan value up to 50 per cent of the face value thereof.

#### PENSIONS

The director of pensions, under the supervision of the administrator of veterans affairs, has complete jurisdiction over adjudication of pension claims.

#### SOLDIERS HOMES

National homes for disabled volunteer soldiers are now a part of the veterans administration. Honorably discharged soldiers, sailors and marines who are disabled and who have no adequate means of support and who, by reason of such disability are either temporarily or permanently incapacitated from earning a living, are entitled to the benefits of these homes. Eligibility for admission to a Home is determined at the institution where application is made.

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There is but one good fortune to the earnest man. This is opportunity; and sooner or later, opportunity will come to him who can make use of it.—*David Starr Jordan.*

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We pass for what we are. Character teaches above our wills. Men imagine that they communicate their virtue or vice only by overt actions, and do not see that virtue or vice emit a breath every moment.—*Emerson.*