sent any equitable consideration which warrants the direct gratuity award pro-
posed. Unfortunately the procedural reversal by the circuit court of appeals has
Ther the claim of the justice seeking the unapprovable bill position which existed prior to the dis-

The evidence in the case is complex and controversial. I be-

The White House, August 31, 1954.

S. H. Prather et al., H. R. 9357

I have withheld my ap-

The White House, August 31, 1954.

Dwight D. Eisenhower.

Title I of this enactment would estab-

The White House, August 31, 1954.

Metropolitan Washington area trans-

Title II of the bill would create a tem-

THE WHITE HOUSE, August 31, 1954.

Rosaline Spagnola the sum of


MRS. ROSALINE SPAGNOLA, H. R. 2881

H. R. 2881. I have withheld my ap-

MRS. ROSALINE SPAGNOLA.
son in 1947 at Schofield Barracks, Ha-

wai. As a member of the Armed Forces, the

beneficiary had been convicted of

housebreaking by a court-martial, sen-
tenced to 5 years’ confinement, and
given a suspended dishonorable dis-
charge. While confined in a post stock-
ade he was shot and killed during an
aborted escape. It was subsequently
determined that the decedent was not
involved in the attempted escape in any
way, and his death was declared to have
taken place on the basis of that determi-
nation the beneficiary was paid the usual 6 months’ death

gratuity.

Earlier in his military career the

beneficiary’s son had taken out a $10,

000 national service life insurance policy,
designating his mother as beneficiary, and
paying the premiums on his policy by allot-
ments from his pay. However, since he had forfeited all pay and allow-
ments while in confinement his allotment
became ineffective, causing the policy to
lapse for lack of premium payment. When the beneficiary made application
after his son’s death for regular monthly payments under the policy, the Veterans’
Administration made such payments to
her over a period of several years in an
aggregate amount of $4,324.96 before dis-
covering that the policy had not actually
been in effect at the time of the son’s
death. Under discretionary authority
which it possesses, the Veterans’ Admin-
istration denied the claim of his
uncle, Raleigh Hill, the designated
principal beneficiary, on the ground that he
did not stand in loco parentis to the in-
sured and was therefore not permitted to
receive any proceeds from the policy.

The bill would authorize and direct the

Administrator of Veterans’ Affairs to
pay the proceeds of national service life
insurance of Walter H. Nichols, Jr., to
Raleigh Hill, uncle of the insured and
designated principal beneficiary of such
insurance.

National service life insurance in the
amount of $10,000 matured on August 1,
1946, the date of death in service of
Walter H. Nichols, Jr. The Veterans’
Administration denied the claim of his
uncle, Raleigh Hill, the designated
principal beneficiary, on the ground that he
did not stand in loco parentis to the in-
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istration denied the claim of his
uncle, Raleigh Hill, the designated
principal beneficiary, on the ground that he
did not stand in loco parentis to the in-
sured and was therefore not permitted to
receive any proceeds from the policy.

The correctness of the decision of the
Veterans’ Administration that the policy
was not in effect at the time of the son’s
death was sustained on February 13,
1948. Appeal for a rehearing was there-
after denied.

In 1950, W. J. Piowaty and his wife in-
stituted an action in the circuit court of
Orange County, Fla., seeking declara-
tory judgment relieving their real prop-
erty from the lien of the judgment.
That suit was dismissed on motion of the
United States. In 1951, suit was filed
by the United States against Carl Pio-
waty, W. J. Piowaty, and the Globe In-
duced Co. on the bonds which were
posted when the appeal was taken to the
Supreme Court of Florida. Carl Pio-
waty and W. J. Piowaty filed an an-
wser in that suit, but on motion for sum-
mary judgment, judgment was rendered
in favor of these two persons and their
beneficiaries.

For the reasons stated, the bill would
be passed and ordered to be enrolled for
payment.

The bill would also authorize the Secre-
tary of the Treasury to pay to Carl
Piowaty and W. J. Piowaty the sum of
$4,450 in full settlement of their claim
against the United States for war-crop
advances made to them by the Regional
Agricultural Credit Corporation prior to
April 18, 1943.

The claims of the United States against
to these two persons and their
claims against the United States have
been adjudicated in the courts where
both sides were afforded an opportunity
to present all pertinent evidence on the
issues involved. The case was tried be-
fore a jury in the circuit court of Orange
County, Fla., on May 22 and 23, 1947, and
a judgment was obtained against both
Carl Piowaty and W. J. Piowaty for the
full amount they owed. They appealed
the verdict to the Supreme Court of Florida where the lower court’s judge-
ment was sustained on February 15,
1948. Appeal for a rehearing was there-
after denied.

In 1950, W. J. Piowaty and his wife in-
stituted an action in the circuit court of
Orange County, Fla., seeking declara-
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That suit was dismissed on motion of the
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mary judgment, judgment was rendered
in favor of these two persons and their
beneficiaries.

For the reasons stated, the bill would
be passed and ordered to be enrolled for
payment.