

VETOING H.R. 7768, RELIEF OF NOLAN SHARP

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

VETOING

H.R. 7768, AN ACT FOR THE RELIEF OF NOLAN SHARP



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To the House of Representatives:

I am withholding my approval of H.R. 7768, a bill for the relief of Mr. Nolan Sharp. I am advised by the Attorney General and I have determined that the absence of my signature from this bill prevents it becoming law. Without in any way qualifying this determination, I am also returning it without my approval to those designated by the Congress to receive messages at this time.

H.R. 7768 would authorize retroactive service-connected disability payments to Mr. Sharp, because of multiple sclerosis, for the period from January 16, 1956, to October 1, 1962. Under the bill, these payments would have to be offset against certain non-service-connected benefits Mr. Sharp received during the same period.

Mr. Sharp had honorable Army service from December 1, 1942, to June 5, 1943, when he was discharged because of severe hypochondriasis and anxiety state. The first confirmed medical diagnosis of an organic neurological disease identifiable as multiple sclerosis was made in 1949, six years after his discharge. At that time, the law allowed payment of service-connected disability benefits for multiple sclerosis manifesting itself within three years after separation from wartime service.

Mr. Sharp's claim for service-connected benefits based on multiple sclerosis received several adjudicative reviews and was the subject of appellate consideration on four occasions. On the basis of available evidence, the Veterans' Administration was unable to determine direct connection of multiple sclerosis with the veteran's military service as required by law. He was, however, granted non-service-connected disability pension, effective January 16, 1956.

Effective October 1, 1962, the Congress extended the presumption of service connection for multiple sclerosis from three to seven years. The liberalizing statute, however, prohibited any retroactive payments based on the new presumption. Since Mr. Sharp qualified for service-connected benefits under the new statutory presumption, he has been receiving such payments since October 1, 1962.

Having carefully considered the circumstances of this case, I am unable to find sufficient reasons for approving this legislation to pay Mr. Sharp's benefits from an earlier date than the law permits. To make such a special award would seriously discriminate against similarly situated veterans.

Moreover, once the precedent for such special awards is established, it would be difficult to deny awards to other veterans who have been prohibited from receiving retroactive benefits under the 1962 law or similar statutes. The inevitable result would be to undermine the integrity and impartiality essential to the administration of such veterans' benefits.

For these reasons, I am constrained to withhold my approval from H.R. 7768.

GERALD R. FORD.

THE WHITE HOUSE, *October 29, 1974.*

(III)

H.D. 379