

RELIEF OF DR. JAMES T. MADDUX—VETO MESSAGE

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 1201) ENTITLED "AN ACT FOR
THE RELIEF OF DR. JAMES T. MADDUX"

NOVEMBER 19 (legislative day, OCTOBER 22), 1963.—Read; referred to the
Committee on the Judiciary and ordered to be printed

To the U.S. Senate:

I return herewith, without my approval, S. 1201, for the relief of Dr. James T. Maddux.

Dr. Maddux is an employee in the Department of Medicine and Surgery of the Veterans' Administration. The bill would direct payment to him of the difference in salary between that which he received for the period July 9, 1961, through February 17, 1962, as a physician in the associate grade and that which he would have received had his promotion to full-grade physician been made effective on the earlier date, which was the date he first became eligible for this advancement. The records of the Veterans' Administration show that promotion of Dr. Maddux was not administratively approved until February 18, 1962, because of an inadvertent misfiling of his papers.

While this occurrence was unfortunate, the promotion which was thereby delayed was not owing to Dr. Maddux as a matter of right. No employee of the Veterans' Administration's Department of Medicine and Surgery has an absolute right to a promotion at any given time or according to a given schedule. The regulations which provided for Dr. Maddux' eligibility did not of themselves confer a promotion, but provided only for orderly consideration of the question of his advancement. To approve this bill would be to encourage em-

ployees to make a contrary assumption concerning regulations of this character, and it would lead to claims for retroactive compensation on the basis of details in the handling of promotion documents. Such undesirable results would be all the more likely because the bill suggests that a promotion should be effective on the very first day an individual becomes eligible for it, a rule which is not practical in a vast number of cases.

In these circumstances, I find myself unable to approve S. 1201.

JOHN F. KENNEDY.

THE WHITE HOUSE, *November 19, 1963.*

S. 1201

EIGHTY-EIGHTH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE FIRST SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON WEDNESDAY THE NINTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND SIXTY-THREE

AN ACT For the relief of Doctor James T. Maddux.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (1) in the administration of chapter 73 of title 38, United States Code, as amended, and the rules and regulations promulgated thereunder, Doctor James T. Maddux, of Narberth, Pennsylvania, an employee of the Department of Medicine and Surgery, Veterans' Administration at Philadelphia, Pennsylvania, shall be held and considered to have been promoted from associate grade, Medical Service, to full grade, Medical Service, effective as of July 9, 1961, and (2) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Doctor James T. Maddux, an amount equal to the difference between the salary received by him as such an employee for the period from July 9, 1961, to February 17, 1962, and the salary he would have received for such period had his promotion from associate grade, Medical Service, to full grade, Medical Service, been made effective as of July 9, 1961.

JOHN W. McCORMACK,
Speaker of the House of Representatives.

LEE METCALF,
Acting President of the Senate pro tempore.

[Endorsement on back of bill:]

I certify that this Act originated in the Senate.

FELTON M. JOHNSTON, *Secretary.*

