

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 354

(By Mrs. Walker)



PASSED March 10, 1939

In Effect ninety days from Passage

**ENROLLED**  
**House Bill No. 354**

(BY MRS. WALKER)

[Passed March 10, 1939; in effect ninety days from passage.]

AN ACT authorizing the state compensation commissioner to reopen  
the case of M. W. Dunning.

WHEREAS, On January twenty-seventh, one thousand nine hundred thirty, while employed by Venable and Farkas, highway contractors, in the construction of the highway between the towns of Fayetteville and Beckwith in the county of Fayette, this state, M. W. Dunning received an injury resulting in a compound fracture of the lower thoracic spine and a fractured kidney; and

WHEREAS, The employer of the said M. W. Dunning was, at the time of the aforesaid injury, a subscriber to the workmen's compensation fund; and

WHEREAS, The said M. W. Dunning was paid compensation upon fifty per cent permanent partial disability basis until December

fourth, one thousand nine hundred thirty-three, at which time said compensation expired; and

WHEREAS, It is the opinion of competent physicians and surgeons that the injury sustained by the said M. W. Dunning has resulted in permanent disability; and

WHEREAS, On July thirty-first, one thousand nine hundred thirty-five, a request for reopening and hearing was filed by the said M. W. Dunning with the state compensation commissioner, but was declined due to the fact that the commissioner found himself without jurisdiction to consider the claim, since more than one year had elapsed since the date of the last payment of said claimant; therefore,

*Be it enacted by the Legislature of West Virginia:*

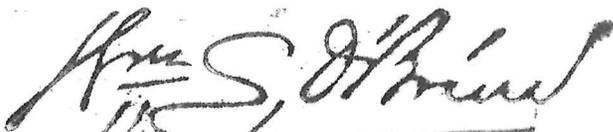
Section 1. *Compensation Commissioner Authorized to Re-*  
2 *open Case of M. W. Dunning.* The state compensation com-  
3 missioner is hereby authorized to reopen the case of M. W.  
4 Dunning, notwithstanding the fact that more than one year  
5 elapsed since the date of the last payment to him before the  
6 application for reopening and hearing was filed, and to make  
7 such disposition of the case as would have been proper had  
8 said application been filed within the period required by

9 law, and to allow such compensation to the said M. W. Dun-  
10 ning as the facts and conditions pertaining to the case may  
11 warrant.

I certify that the foregoing act,  
having been presented to the Governor for  
his approval, and not having been returned  
by him to the House of the Legislature in  
which it originated within the time pre-  
scribed by the constitution of the state, has  
become a law without his approval.

This the 17<sup>th</sup> day of March,

1939



SECRETARY OF STATE

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*E. O. Wiseman*

Chairman Senate Committee

*Pepe G. Walter*

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *ninety days from* passage.

*Chambers*  
Clerk of the Senate

*Geo. H. Hall*  
Clerk of the House of Delegates

*W. M. McLean*  
President of the Senate

*James Key Thomas*  
Speaker House of Delegates

The within this the  
day of *1939*



Governor.

*[Signature]*