

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 282

(By Mr. Jones)



PASSED march 7 1941

In Effect ninty days from Passage

282

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House Bill No. 282
(By MR. JONES)

[Passed March 7, 1941; in effect ninety days from passage.]

AN ACT authorizing the state compensation commissioner to reopen the claim of Bennie Bell.

WHEREAS, On June third, one thousand nine hundred twenty-six, Bennie Bell, while employed as a coal loader in the coal mine of the E. E. White Coal Company at Glen White, Raleigh county, West Virginia, was injured in his spine, pelvis, and other parts of his body, by being crushed between mine cars and the facing of the coal; and

WHEREAS, The employer of said Bennie Bell was, at the time of the aforesaid injury, a subscriber to the workmen's compensation fund; and

WHEREAS, The said Bennie Bell has been unable from the date, and as a result, of the aforesaid injury to perform any manual service; and

WHEREAS, It is the opinion of competent physicians and sur-

geons that the said Bennie Bell is, as a result of said injury, permanently and totally disabled; and

WHEREAS, On the fourteenth day of December, one thousand nine hundred thirty-one, the said Bennie Bell was given a rating by the state compensation commissioner of seventy-five per cent permanent partial disability; and

WHEREAS, The said Bennie Bell thereafter presented to the state compensation commissioner another application for permanent total rating of disability, based upon the reports of numerous competent physicians and surgeons, which application the compensation commissioner finally rejected on the twenty-first day of October, one thousand nine hundred thirty-two; and

WHEREAS, The supreme court of appeals, by its decision of April eighteenth, one thousand nine hundred thirty-three; and reported in volume 113 of the West Virginia Reports, at page 571, affirmed the ruling of the compensation commissioner on the ground that although the evidence showed the said Bennie Bell was permanently and totally disabled as the result of said injury, it was not materially different from the evidence before the commissioner on the fourteenth day of

October, one thousand nine hundred thirty-one, when he fixed the rating of disability at seventy-five per cent.

Be it enacted by the Legislature of West Virginia:

Section 1. *State Compensation Commissioner Authorized to Reopen Claim of Bennie Bell.*—The state compensation commissioner is hereby authorized to reopen the claim of the said Bennie Bell for permanent total disability, and to make such disposition of the case as the evidence presented justifies, notwithstanding the previous rulings of the compensation commissioner, the said decision of the supreme court of appeals and the statutes of limitations heretofore enacted.

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

E. H. McRown

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Arthur Watkins

Clerk of the Senate

Williford

Clerk of the House of Delegates

Byron B. Randolph

President of the Senate

Malcolm R. Arnold

Speaker House of Delegates

The within Approved this the 15th
day of March, 1941.

Matthew M. Neely
Governor.

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Filed in the office of the Secretary of State
of West Virginia MAR 24 1941

Wm. S. O'BRIEN,
Secretary of State