

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



## ENROLLED

HOUSE BILL No. 342

(By Mrs. *Walker* and Mr. *McClung*, of Fayette)



PASSED March 8, 1941

In Effect July 1, 1941 ~~Passage~~

**ENROLLED**

**House Bill No. 342**

(By MRS. WALKER and MR. McCLUNG, of Fayette)

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[Passed March 8, 1941; in effect July 1, 1941.]

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AN ACT to authorize the workmen's 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*

2 *Reopen case of M. W. Dunning.*—The state compensation  
3 commissioner is hereby authorized to reopen the case of  
4 M. W. Dunning, notwithstanding the fact that more than  
5 one year elapsed since the date of the last payment to  
6 him before the application for reopening and hearing  
7 was filed, and to make such disposition of the case as  
8 would have been proper had said application been filed  
9 within the period required by law, and to allow such  
10 compensation to the said M. W. Dunning as the facts and  
11 conditions pertaining to the case may warrant.

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 July 1, 1941 passage.

A. Hale Watkins

Clerk of the Senate

J. R. Raliff

Clerk of the House of Delegates

Byron D. Rouds

President of the Senate

Malcolm R. Arnold

Speaker House of Delegates

The within approved this the 14th  
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 17 1941

Wm. S. O'BRIEN,  
Secretary of State