

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

SENATE BILL No. 12

(By Mr. Hussion)

PASSED February 12 1941

In Effect from Passage



ENROLLED
Senate Bill No. 12

(BY MR. HUSSION)

[Passed February 12, 1941; in effect from passage.]

AN ACT authorizing the state compensation commissioner to
reopen the claim of Alex Turoczy.

WHEREAS, On February fifteenth, one thousand nine hundred thirty-six, Alex Turoczy, while employed as a machine man by the Maryland Coal Company of West Virginia, or the receivers of said coal company, in the mine of the said Maryland Coal Company of West Virginia, at Wendel, West Virginia, in the county of Taylor, State of West Virginia, received an injury resulting in a compression fracture of the twelfth dorsal vertebrae, along with other injuries; and

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

WHEREAS, The said Alex Turoczy was paid compensation upon a twenty-five percent permanent partial disability basis until on or about the fifteenth day of January, one thousand nine hundred thirty-nine, at which time said compensation expired; and

WHEREAS, It is the opinion of competent physicians and surgeons that the injury sustained by the said Alex Turoczy has resulted either in permanent total disability, or in permanent partial disability in excess of said twenty-five per centum; and

WHEREAS, On March twenty-fourth, one thousand nine hundred thirty-eight, said compensation commissioner advised the said Alex Turoczy it was indicated by a medical examination that any disability he had, in excess of the twenty-five per centum permanent partial award made to him, was not due to his injury of February fifteenth, one thousand nine hundred thirty-six; and

WHEREAS, On February seventh, one thousand nine hundred thirty-nine, said commissioner refused to reopen the claim upon a request for reopening and hearing, due to the fact that the commissioner found himself without jurisdiction to consider the claim, as more than one year had elapsed since the date of the last payment to said claimant; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. *Claim of Alex Turoczy.* The state compensation commissioner is hereby authorized to reopen the claim of Alex Turoczy, notwithstanding the fact that more than one year had elapsed since the date of the last payment to him, before the application for reopening and hearing was filed, and to make such disposition of the case as would have been proper had said application been filed within the period required by law, and to allow such compensation to the said Alex Turoczy as the facts and conditions pertaining to the case may warrant.

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

C. F. McRae
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the Senate

Takes effect from passage

W. S. Walters
Clerk of the Senate

J. A. Shiff
Clerk of the House of Delegates

Byron D. Randolph
President of the Senate

Malcolm R. Arnold
Speaker House of Delegates

The within approved this the 20th
day of February, 1941.

Matthew M. Reese
Governor.

Filed in the office of the Secretary of State
of West Virginia. FEB 20 1941
Wm. S. O'BRIEN,
Secretary of State