

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941

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## ENROLLED

SENATE BILL No. 164

(By Mr. Johnston, by request)

PASSED March 5 1941

In Effect from Passage



ENROLLED

Senate Bill No. 164

(BY MR. JOHNSTON, BY REQUEST)

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[Passed March 5, 1941; in effect from passage.]

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AN ACT authorizing the state compensation commissioner to  
reopen the case of G. T. Ayres.

WHEREAS, On the twenty-fifth day of June, one thousand nine  
hundred thirty-seven, while employed by the Hutchinson Coal  
Company, Logan county, West Virginia, G. T. Ayres received  
a permanent injury to his neck and hips; and,

WHEREAS, The said Hutchinson Coal Company was, at the  
time of the aforesaid injury to G. T. Ayres, a subscriber in good  
standing to the West Virginia workmen's compensation fund;  
and,

WHEREAS, Said G. T. Ayres was paid a small sum for partial-permanent disability on account of said injury and the case was closed by the said state compensation commissioner; and,

WHEREAS, After said case was closed, said G. T. Ayres has continued in a permanent disability condition as a result of said injury sustained by him while employed by said Hutchinson Coal Company; and,

WHEREAS, On the sixth day of June, one thousand nine hundred forty, application for reopening and hearing was filed by G. T. Ayres with the state compensation commissioner, but said application was declined due to the fact that the commissioner was without jurisdiction to consider the claim upon its merits, in as much as the claim was barred by the statute of limitations; therefore,

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

Section 1. *Compensation Commissioner Authorized to*  
2 *Reopen Case of G. T. Ayres.* The state compensation  
3 commissioner is hereby authorized and directed to reopen  
4 the case of G. T. Ayres, notwithstanding the commissioner  
5 is without authority to consider the case upon its merits  
6 by reason of said case being barred by the statute of

7 limitations; said state compensation commissioner is  
8 further authorized to make such disposition of the case as  
9 would have been proper had said application and perma-  
10 nent disability application been filed within the period  
11 required by law, and to allow such compensation to said  
12 G. T. Ayres as the facts, conditions and circumstances  
13 pertaining to the case may warrant.

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

*C. H. M. Kown*

Chairman Senate Committee

*Leon Rice*

Chairman House Committee

Originated in the *Senate*

Takes effect *from* passage

*W. Lee Welles*

Clerk of the Senate

*Jackiff*

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 *14*

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