

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941

ENROLLED

SENATE BILL No. 168

(By Mr. Petty, by request)

PASSED March 4 1941

In Effect 90 days from Passage



ENROLLED

Senate Bill No. 168

(BY MR. PELTER, BY REQUEST)

[Passed March 4, 1941; in effect ninety days from passage.]

AN ACT authorizing the state compensation commissioner to
reopen the case of Mose Adkins.

WHEREAS, On the fifteenth day of October, one thousand nine
hundred thirty, while employed by the Spruce River Coal and
Lumber Company at Jeffrey, in Boone county, West Virginia,
in the pursuance of his employment, Mose Adkins received an
injury resulting in a bone fracture in front of the right ear;
and

WHEREAS, Said Spruce River Coal and Lumber Company was
at the time of the aforesaid injury to Mose Adkins, a subscriber
to the workmen's compensation fund; and

WHEREAS, The said Mose Adkins was paid compensation for seven and six-seventh weeks, at the rate of eight dollars per week, a total of sixty-two dollars and eighty-six cents, to December fifteenth, one thousand nine hundred thirty, inclusive, and the case was closed by the state compensation commissioner on the third day of January, one thousand nine hundred thirty-one; and

WHEREAS, After the case was closed by the commissioner the injury became aggravated; and

WHEREAS, On or about the first day of February, one thousand nine hundred thirty-three, application for reopening and hearing was filed by the said Mose Adkins with the state compensation commissioner, which said application was declined due to the fact the commissioner was without jurisdiction to consider the claim since more than two years had elapsed since the date of said payment to the said Mose Adkins; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. *Compensation Commissioner Authorized to*
2 *Reopen Case of Mose Adkins.* The state compensation
3 commissioner is hereby authorized to reopen the case of

4 Mose Adkins, notwithstanding the fact that more than
5 two years had elapsed after the date of the last payment
6 to him before application for reopening and hearing was
7 filed; said state compensation commissioner is further au-
8 thorized to make such disposition of the case as would
9 have been proper had said application been filed within
10 the period required by law, and to allow such compen-
11 sation to said Mose Adkins as the facts and condition
12 pertaining to the case may warrant.

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

C. H. McKenna
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the

Senate

Takes effect

90 days from

passage

Walter Walburn
Clerk of the Senate

James J. Fessenden
Clerk of the House of Delegates

Byron B. Kendrick
President of the Senate

Malcolm R. Arnold
Speaker House of Delegates

The within

approved this the 13th

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 13 1941

Wm. S. O'Brien,
Secretary of State