

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1941

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ENROLLED

SENATE BILL No. 97

(By Mr. Robertson, by request)

PASSED March 7 1941

In Effect 90 days from Passage



ENROLLED

Senate Bill No. 97

(By MR. ROBERTSON, BY REQUEST)

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

AN ACT to authorize the state compensation commissioner to  
reopen the case of E. R. Robinson.

WHEREAS, On May twenty-fourth, one thousand nine hundred  
thirty-five, while employed by the Cabin Creek Consolidated  
Coal Company on Cabin Creek, Kanawha county, West Vir-  
ginia, E. R. Robinson received an injury in the course of his  
employment resulting in the loss of the sight of his left eye;  
and

WHEREAS, The employer of the said E. R. Robinson was at the  
time of the aforesaid injury, a subscriber to the workmen's  
compensation fund; and

WHEREAS, The said E. R. Robinson was awarded and paid compensation upon a thirty-three per cent permanent partial disability basis for the loss of the sight of his said left eye which compensation expired on December seventeenth, one thousand nine hundred thirty-seven; and

WHEREAS, The injured eyeball of the said E. R. Robinson was not removed, and a few months after the injury, a type of infection known as sympathetic ophthalmilitis developed from the injured eye which caused the sight of his right eye to begin failing, and which resulted in total blindness in March one thousand nine hundred thirty-nine; and

WHEREAS, The said E. R. Robinson made complaint to the compensation commissioner about the loss of vision in his right eye in the month of January, one thousand nine hundred thirty-eight, following which some correspondence ensued between himself and the commissioner in the course of which Robinson failed to make a formal written application for compensation; and

WHEREAS, In August, one thousand nine hundred thirty-nine, the said E. R. Robinson employed counsel who filed a written

application in his behalf and on being advised by the commissioner that the same could not be entertained on account of it not having been filed within one year of the date of the last payment of compensation, the said counsel prosecuted the claim on the theory that it was lawfully filed in January one thousand nine hundred thirty-eight, when the said E. R. Robinson conducted the aforesaid correspondence with the said commissioner relative to the failure of the sight of his right eye but which proposition was finally decided against him on October eighth one thousand nine hundred forty, by the supreme court of appeals of West Virginia.

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

Section 1. *State Compensation Commissioner Authorized to Reopen Case of E. R. Robinson.* The state compensation commissioner is hereby authorized to reopen the case of E. R. Robinson, notwithstanding the fact that more than one year 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

9 the period required by law, and to allow such compen-  
10 sation to the said E. R. Robinson as the facts and con-  
11 ditions pertaining to the case may warrant.

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

E. H. McKeown

Chairman Senate Committee

Lean Rice

Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

W. Lee Watkins

Clerk of the Senate

Joseph

Clerk of the House of Delegates

Byron 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.

Filed in the office of the Secretary of State  
of West Virginia MAR 17 1941

Wm. S. O'BRIEN,  
Secretary of State