ENROLLED

SENATE BILL No. 97

(By Mr. Robertson, by request)

PASSED March 7, 1941

In Effect 90 days from Passage
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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 Virginia, 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 commis-

er 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 con-
ducted the aforesaid correspondence with the said commis-
sioner 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 Autho-

rized to Reopen Case of E. R. Robinson. The state com-

pensation 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
the period required by law, and to allow such compen-
sation to the said E. R. Robinson as the facts and con-
ditions pertaining to the case may warrant.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

C. H. W. Kouns
Chairman Senate Committee

Jean Rice
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

Clara Wiltse
Clerk of the Senate

Clerk of the House of Delegates

Byron Randolph
President of the Senate

Malcolm R. Arnold
Speaker House of Delegates

The within approved this the 15

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