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SENATE

{ REPORT
No. 1000

RUDOLPH PONEVACS

JUNE 4, 1926.—Ordered to be printed

Mr. MEANS, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 4277]

The Committee on Claims, to whom was referred the bill (S. 4277) for the relief of Rudolph Ponevacs, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The full facts are stated in the following letter of the Secretary of War, which is attached hereto and made a part of this report.

WAR DEPARTMENT,
Washington, May 6, 1926.

Hon. RICE W. MEANS,
Chairman Committee on Claims,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I transmit herewith a draft of a bill for the relief of Rudolph Ponevacs, a former employee of the Isthmian Canal Commission, who was injured in the line of duty. I also attach a copy of a letter addressed to me by the Governor of the Panama Canal, under date of March 4, 1926, which sets forth the material facts and merits of this case and gives the reasons why the proposed legislation should be enacted.

You will note from the governor's letter that on April 18, 1908, Mr. Ponevacs, a subject of Austria-Hungary, while employed as a boilermaker in the mechanical division of the Isthmian Canal Commission was sent, in the course of his employment, to Empire Magazine for a dump grate for engine No. 317, and he and his helper were riding on the front end of engine No. 499. The latter engine collided with a flat car, and Mr. Ponevacs received a crushing injury to his right leg between the ankle and knee, necessitating the amputation of his leg. The accident was not due to willful negligence, misconduct, or intoxication on the part of the employee.

Mr. Ponevacs's injury occurred prior to the effective date of the act of May 30, 1908, and consequently no payment could be made to him under the provisions of that act. He was confined to the hospital from April 18 to December 5, 1908, by reason of the injury, and the only compensation he received was the sum of \$182.40, representing payment of 30 days' regular sick leave and 30 days' meritorious sick leave. In addition to this, he was furnished with two artificial limbs by the Isthmian Canal Commission free of charge.

I think there should be relief legislation in this case, and I concur in the governor's recommendation that the bill drafted by him and inclosed herewith, extending the provisions of the injury compensation act to Mr. Ponevacs, be passed by Congress.

Advice has been received from the Director of the Bureau of the Budget that this proposed legislation is not in conflict with the President's financial program.

In view of the foregoing, it is respectfully requested that the necessary steps be taken to introduce this proposed bill as early as practicable and that everything possible be done to expedite its passage by the Senate.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

BALBOA HEIGHTS, CANAL ZONE, March 4, 1926.

THE SECRETARY OF WAR,
Washington, D. C.

SIR: On April 18, 1908, Mr. Rudolph Ponevacs, a subject of Austria-Hungary, was employed as boiler maker in the mechanical division of the Isthmian Canal Commission. In the course of his employment, Mr. Ponevacs was sent to Empire Magazine for a dump grate for engine No. 317, and he and his helper were riding on the front end of engine No. 499. The latter engine collided with a flat car, and Mr. Ponevacs received a crushing injury to his right leg between the ankle and knee, necessitating the amputation of his leg. The accident was not due to wilful negligence, misconduct, or intoxication on the part of the employee.

Mr. Ponevacs' injury occurred prior to the effective date of the act of May 30, 1908, and consequently no payment could be made to him under the provisions of that act. He was confined to the hospital from April 18 to December 5, 1908, by reason of the injury, and the only compensation he received was the sum of \$182.40, representing payment of 30 days' regular sick leave and 30 days' meritorious sick leave. In addition to this, he was furnished with two artificial limbs by the Isthmian Canal Commission free of charge.

After his injury Mr. Ponevacs was employed intermittently by the Isthmian Canal Commission and the Panama Canal for such work as he was able to perform. He left the isthmus and resided in California for a period of approximately 20 months, and then returned to the Canal Zone, at which time he was reemployed on February 2, 1916, and worked until December 10, 1917, when he was interned by the military authorities by reason of his birth in Austria-Hungary. He was discharged from the canal service for the same reason, and on February 7, 1918, was given free transportation to New York. He returned to the isthmus in January, 1922, and secured a license to a tract of 5 hectares of land in the Canal Zone near Las Cruces.

Nearly 18 years have elapsed since Mr. Ponevacs was disabled. He is now in his 41st year, and with the passing of time it has become increasingly difficult for him to secure employment, as he is practically incapacitated for work other than that of a watchman. He is dependent upon the meager income he can derive from the cultivation of the land he has under license. He is, as a matter of fact, practically destitute, in urgent need of relief, and his case is most deserving.

I have the honor to recommend, therefore, that the requisite steps be taken to present a bill to Congress to provide for the relief of Mr. Ponevacs. Several bills to that end have been introduced in the past: H. R. 11331, Sixty-seventh Congress, second session, and H. R. 1639, Sixty-eighth Congress, first session, were introduced by Mr. Lineberger on April 15, 1922, and December 5, 1923, respectively, but it does not appear that any action was taken thereafter to secure their enactment. The purport of these bills was similar and provided for the payment to Mr. Ponevacs of a lump sum of \$7,500. It is believed, however, that it would be to Mr. Ponevacs's advantage if he were to receive monthly payments during the remainder of his life rather than a lump sum. It is therefore recommended that any bill introduced into Congress for his relief be worded so as to include him within the provisions of the act of Congress approved September 7, 1916, entitled, "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes." A draft of the suggested bill is inclosed for your consideration.

The obligation resting upon our Government to provide relief in meritorious cases of this kind is self-evident. Mr. Ponevacs was injured through no fault of his own while performing his part of the hazardous work involved in the construction of the canal. The fact that by reason of his permanent disability he is now debarred from securing work at his trade of boilermaker and is thereby rendered practically destitute and made an object of charity undoubtedly makes it the bounden duty of our Government to adequately compensate this crippled former employee when the matter is presented for consideration. It is respectfully requested, therefore, that Mr. Ponevacs's case be submitted to Congress with an urgent recommendation for favorable action.

Respectfully,

M. L. WALKER, *Governor.*