

Calendar No. 522

69TH CONGRESS }
1st Session }

SENATE

REPORT
No. 522

ALBERTA SISLER SAULS

MARCH 27 (calendar day, APRIL 1), 1926.—Ordered to be printed

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

REPORT

[To accompany S. 577]

The Committee on Claims, to whom was referred the bill (S. 577) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alberta Sisler Sauls, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

In order to entitle one to the benefits of the compensation act, three things are necessary: First, the applicant must be considered to be a civil employee of the United States Government within the meaning of the act; second, the disability from which the applicant is suffering must be due to an injury sustained in performance of duty; and, third, the applicant must have filed, or attempted to file a claim, with some Government establishment within one year from the date of the injury.

The pertinent facts are:

Alberta Sisler Sauls is a graduate nurse of the Atlanta Training School for Nurses, Atlanta, Ga., 1911. She enrolled in the Red Cross nursing service September 28, 1918. She was at the time married and her husband was serving in Europe. At the time of her enrollment she was in good health. She volunteered for active service but was not accepted by the Army or Navy on account of the fact that she was a married woman. She was assigned to service in base hospital, Nitro, W. Va., Government munitions explosive plant C, under the jurisdiction of the United States Public Health Service. The date of assignment was October 8, 1918. She reported at Nitro, W. Va., October 17, 1918.

It appears that in the spring of 1918 the Surgeon General of the United States Public Health service requested the Red Cross nursing service to secure nurses for the base hospital at Nitro, W. Va. This hospital was in connection with the munitions plant at that post.

The nurses were assigned directly through the Red Cross, that is to say, as a letter would be received from the Surgeon General requesting that a certain number of nurses be secured, communication was immediately established with nurses available for service; they were advised to proceed to Nitro, keeping receipts for all money expended, to be presented upon arrival for reimbursement. The nurses reported to Captain Watkins, medical officer in charge, and were referred by him to the chief nurse. The Red Cross continued to supply nurses to this post during the summer and fall of 1918 and during the influenza epidemic of 1918 and 1919 about 80 nurses were on duty. Alberta Sisler Sauls received regular compensation, as a civil employee of the United States Government while on duty at Nitro, W. Va.

Alberta Sisler Sauls was relieved from duty at Nitro November 19, 1918. A letter from Mrs. Kathryn Trent, superintendent of nurses at Nitro, W. Va., to Miss Noyes, November 28, 1918, recites:

I regret very much to inform you that I have had to release Mrs. Alberta Sisler Sauls from duty. Doctor Day tells me that she has tuberculosis and that the pneumonia that she contracted during the influenza epidemic has made her condition such that she could not go on with the work at the camp for a long time.

At Nitro and on October 25, 1928, Alberta Sisler Sauls contracted double lobar pneumonia. Her medical history shows that she developed chronic pleurisy and that she has never recovered from the disability incurred at Nitro during her term of service. Since October 25, 1928, and at this time, she has been practically an invalid. The medical testimony shows that there is little or no chance for her final recovery. She must now be classed as tubercular, and is unable to perform any sort of physical work or take physical exercise.

From November, 1918, to June, 1919, Alberta Sisler Sauls was in Florida. She seems not to have filed claim until March 25, 1921, when a claim was filed with the United States Employees' Compensation Commission, Washington, D. C. The claim was rejected on the ground that it was not filed within one year of occurrence of the disability. She filed claim with the Veterans' Bureau November 7, 1921. This claim was not allowed upon the ground that the nurse was not federalized. The evidence submitted shows the applicant to be permanently disabled due to disease contracted in service. It is believed that in all the circumstances of the case, the mere failure to file a claim within one year from the occurrence of the disability should not preclude her claim and it is therefore recommended that the bill do pass.

Attached hereto is the pertinent evidence tending to show her status as a civil employee of the Government, the disability incurred in service, and her present physical condition.

UNITED STATES PUBLIC HEALTH SERVICE HOSPITAL No. 48,
Atlanta, Ga., November 4, 1921.

This is to certify that it was the understanding of the writer that all medical officers, nurses, and hospital personnel serving at United States Public Health Service hospital at explosive plant C, Nitro, W. Va., during 1918 and part of 1919 were attached to and working under the jurisdiction of the Ordnance Department, United States Army, and were a part of the Military Establish-

ment. I was a medical officer of the Public Health Service, assigned to the above hospital at Nitro during the World War, and know that Alberta Sisler Sauls was a nurse in the same hospital during the fall of 1918.

GEO. S. PITCHER,
Surgeon (R.), United States Public Health Service.

Sworn to and subscribed before me this the 4th day of November, 1921.

[SEAL.]

HELEN L. WHEELER,
Notary Public.

My commission expires June 11, 1923.

FEDERAL BOARD FOR VOCATIONAL EDUCATION,
November 5, 1921.

To whom it may concern:

This is to certify that I am acquainted with Mrs. Alberta Sissler Sauls and that I have known her since the year 1918, at which time we were both employed in the United States Public Health Service hospital, United States general ordnance depot, Nitro, W. Va.

Mrs. Sauls was employed as a nurse and myself as hospital registrar.

I have been informed that the personnel of the United States Public Health Service was a part of the military forces of the United States and that it was so interpreted in Executive order of April 3, 1918.

JOHN W. REYNAR.

Subscribed and sworn before me this the 5th day of November, 1921.

THOS. F. HOUSE,
Notary Public, Georgia, State at Large.

EXAMINATION REQUEST OF CLAIMANT, DATED FOR NOVEMBER 7, 1921

REPORT OF PHYSICAL EXAMINATION UNITED STATES VETERANS' BUREAU

C No.: Unassigned.

1. Claimant's name: Sauls, Alberta Sisler.

2. Service, rank, and organization: Nurse.

3. Present address: No. 61 Elizabeth Street, Atlanta, Ga.

4. Age: 31.

5. Color: White.

6. Principal pre-war civil occupation: Nurse.

7. Date of induction: June 1, 1918. Date of discharge: November 20, 1918.

9. Brief history of claimant's disability during service: While stationed at Nitro, W. Va., was sent to hospital and treated for double pneumonia, about five weeks; was then given release from duty. Since my discharge from service had to have treatment by private physician, Dr. F. H. Boland. Since discharge: Night sweats, temperature in afternoon-slight; hot flushes; shortness of breath; pains in chest; do not rest very well at nights.

10. Present complaint (subjective symptoms; not diagnosis): Pain in chest; shortness of breath; afternoon temperature; loses weight on regular diet; gains weight by "stuffing." About two weeks ago, after severe coughing spell brought up about a half a cupful of dark blood; for several days sputum was blood streaked. Occasional night sweat.

General considerations: Well-developed, well-nourished white female.

Height, 63 inches; weight, 128 pounds; pulse rate, 98; temperature 99.4 at 3 p. m.

Physical examination negative except as follows: Chest well developed, well nourished; expansion somewhat limited bilaterally; complains of pain over lower lobe left lung posteriorly and over right upper anteriorly on taking deep breath.

On palpation and percussion she complains of tenderness over same areas. On auscultation an occasional mucus râle is heard over upper portion of chest anteriorly; râles not persistent. The breath sounds are relative distant over both bases with an occasional crackle over left base posteriorly. X ray by Doctor Derr shows evidence of slight pleurisy at left costo-phrenic angle, nest of dense

nodules in left hilus, fibrosis and peribronchial thickening about hilus and in first and second interspaces close to spine on both sides, one calcified spot in lung parenchyma, left, second interspace.

The physical findings in this case are not sufficient to warrant a positive diagnosis of tuberculosis. In view of the elevated temperature and pulse rate history of hemoptysis, night sweats, and loss of weight, it is recommended that claimant be referred to hospital for further observation and final diagnosis.

12. Diagnosis: 969 pleurisy, chronic, left base.
13. Prognosis: Questionable.
14. Is claimant able to resume his pre-war occupation? No.
15. Is claimant bedridden? No.
16. Is claimant able to travel? Yes.
17. Do you advise hospital care? Yes.
18. Will claimant accept hospital care? Later.
19. Has claimant a vocational handicap? Yes.
20. Is his physical and mental condition such that vocational training is feasible? Questionable.
21. Did you examine the man yourself on this date? Yes.
22. Place: Atlanta, Ga. Date: November 7, 1921.

O. E. HERNDON,
Passed Assistant Surgeon (R).

ATLANTA, GA., November 8, 1921.

Dr. O. E. HERNDON,
United States Veterans' Bureau, Fifth District, Atlanta, Ga.:

I hereby submit report of my examination of Miss Alberta S. Sauls.

X-ray examination of chest:

Fluoroscopic: Apices and lung fields light up well. Diaphragm movements sluggish on both sides, a little more on left. Costo phrenic angle shallow on the left. Hilus glands dense. Bronchial markings to bases are heavy. Heart shadow not enlarged.

Stereo plates: Left hilus shows a nest of densely nodules. There is also one calcification in the lung parenchyma of the left second interspace. Fibrosis and peribronchial thickening about hilus and in the first and second interspaces close to the spine on both sides. Parenchyma of the apices and lung periphery clear. Contour of the diaphragm shadows are regular, that on the right somewhat higher than the left conforming to the upper surface of the liver. Slight pleurisy in left costo phrenic angle.

CONCLUSIONS

The findings are practically identical with an examination made October 11, 1919. The appearance suggests some form of hilus gland infection, probably old calcified tuberculosis. Slight pleurisy at left base. No evidence of tuberculous involvement of the lung parenchyma.

Respectfully submitted.

J. S. DEN., M. D.

ATLANTA, GA., December 4, 1924.

In re Claim of Alberta Sisler Sauls, for compensation and disability allowance, for disability incurred in line of duty in late war

To whom it may concern:

This is to certify that there has been no change in the physical condition of Mrs. Sauls during the past six months or year. At no time subsequent to her serious illness during the summer and fall of 1922 (myocarditis, resulting from the chronic pleurisy from which she has suffered constantly since having had double lobar pneumonia while in service) has Mrs. Sauls had anything like the active use of her body. She is not yet able to walk a block at a time, due to the increased throbbing and quickening of heart action, with resultant shortness of breath and pain in chest. By regular hours of resting, enforced by her pronounced weakness, she is able to stay out of bed six or seven hours at a time now, provided she does not stand or walk but very little, nor, of course, attempt any kind of exercise or work which necessitates strength or arm action of any kind. In other words, she is still practically an invalid, and I consider her disability permanent and incurred wholly in line of duty. For I personally knew

her to be an unusually strong and active woman for 11 or 12 years previous to her war service, and have had her under my constant observation and treatment ever since, during which time she has cooperated in every possible way toward the recovery of her former health.

FRANK K. BOLAND, M. D.,
Lieutenant Colonel, Medical Corps, during World War.

[SEAL]

GERTRUDE W. WALL,
Notary Public, Georgia, State at Large.

My commission expires March 6, 1927.

NEIGHBOR'S STATEMENT

STATE OF GEORGIA, *County of Fulton*:

Mrs. C. W. McClure, M. D., residing at Atlanta, State and county aforesaid, being first duly sworn according to law, deposes and says:

1. That I am owner of home in which claimant boards, with residence at 61 Elizabeth Street; that claimant was housekeeping from August, 1919, to April, 1920.

2. That I am not related to claimant.

3. That claimant's physical condition during period of housekeeping was as follows: Constant pain and difficult breathing caused by adhesions.

4. That claimant was able to work only as follows: Dates wholly irregular.

5. That claimant's housekeeping was discontinued for the following reason: Physician's orders. Claimant sent to Florida to relieve inflammation and escape cold.

6. That it is my belief that claimant's disability is traceable to her military service for the following reasons: Perfect physical condition when entering service, and being left with lung adhesions following illness of double lobar pneumonia while in service.

Mrs. C. W. McClure, M. D.

Subscribed and sworn to before me this 22d day of October, A. D. 1921.

E. BALDWIN,
A Notary Public in and for Georgia, State at Large.

APRIL 4, 1924.

Hon. WALTER F. GEORGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR GEORGE: I have received and noted your letter of April 2, 1924, requesting information as to the status of the claim for compensation of Mrs. Alberta Sisler Sauls.

This claim was disallowed by the commission on March 28, 1921, on the ground that the claim was not submitted within one year after the alleged injury, as required by section 20 of the compensation law. Inasmuch as this provision of the law is mandatory, the commission regrets that it can not award compensation to Mrs. Sauls.

Very truly yours,

(Mrs.) BESSIE P. BRUEGGEMAN, *Chairman.*

ATLANTA, GA., March 19, 1924.

Senator WILLIAM J. HARRIS,
Washington, D. C.

DEAR SIR: For a period of time covering four years I have tried at different times to establish my claim for compensation and disability allowance, following disability in service, and to date have been unable to do so; and am therefore placing the matter in your hands, knowing that I am fully entitled to same.

At the local Veterans' Bureau, where I have been examined by the staff, my disability is openly acknowledged. Neither is there any question concerning my service as a nurse in the Government munitions plant at Nitro, W. Va., where I contracted double lobar pneumonia while on duty during the influenza epidemic.

This illness left me with such pleural adhesions that I have never recovered. The consequent heart strain completely incapacitated me a couple years ago, and after nearly a year in bed I have now sufficiently recovered to be able to take up the matter again and press my claim. In the midst of the heart attacks, the examining physician of the Veterans' Bureau was called out to see me in consultation with my family physician (who, by the way, was Lieut. Col. Frank K. Boland, in late war), and I am positive that no question can ever be raised as to my total permanent disability.

My husband was drafted into the Army, entering as a private, and served at home and in France nearly two years. Upon his return, he had to entirely reestablish himself in business, having lost both position and money during his absence. Therefore, I do not feel it justice to him from any standpoint that he should bear the financial burden of my disability resulting from service—and especially while others are receiving it for much less cause. I regret very much the necessity of having to approach the matter through your influence, for we should be able to obtain justice through the regular channels, but this office has always seemed to pride themselves in prohibiting, instead of assisting, claims going through.

Please give your immediate attention to this matter, for just now my heart will permit me to give attention to it, and there is never any certainty of its staying steady for any given length of time.

Assuring you of my appreciation for your assistance, I am,

Yours very truly,

ALBERTA SISLER SAULS.

ATLANTA, GA., January 18, 1921.

Miss JANE VAN DE VREDE,

Southern Division Headquarters A. R. C.

DEAR MISS VAN DE VREDE: In reply to your recent communication, inclosing employee's blank for me to fill out and return to you, I beg to submit the following facts bearing on the subject.

I am not or have not been employed on a salary by any company in any line of business since my release from service granted on account of my physical inability to return to duty following my illness while there.

For a number of months I was unable to do anything but breathe, the effort required for that purpose demanding nearly more strength than I could command.

Then gradually I assumed my household duties as strength permitted, until the winter of 1919-20, when the pain from continued inflammation of lungs became so acute and difficulty in breathing so great that I was compelled to discontinue housekeeping and went to Florida for a while, spending as much time as possible out of doors.

Upon my return to Atlanta last summer I affiliated with a real estate company in order that whatever I might be able to make on a commission basis would enable me to procure and maintain the cost of an automobile in which I could spend the greater part of my time out of doors, and which I could not afford otherwise, as my husband was in service from the time of the first draft, and we had to begin all over again upon our return. This arrangement gives me the exercise in the open, and at same time occupies my mind and interest, giving me one occupation out of hundreds which I can arrange to suit my physical condition and not have to overstrain and increase the chronic inflammation, which is painful enough at best.

My entrance examination for the Red Cross showed me to be 100 per cent physically perfect, and I am very willing to let an examination at the present time determine whether or not I have just claim for disability.

Yours very truly,

ALBERTA SISLER SAULS.

AFFIDAVITS FROM DISINTERESTED FRIENDS

ENTERPRISE, FLA., *October 27, 1921.*

We, the undersigned, E. M. Count and M. E. Thayer, being duly sworn, upon our oath do depose and say that we have known the claimant, Mrs. Alberta Sisler Sauls, R. N., for 20 years prior to her entry into the service of the United States Army and since her discharge.

We further state that, to the best of our knowledge and belief, the said Mrs. Alberta Sisler Sauls, R. N., was in perfect condition prior to her enlistment, and that since her discharge she has suffered constantly from difficult breathing, being unable to follow any line of usual activity demanding free expansion of lungs, which condition we have every reason to believe was incurred by her service.

And further deponents saith not.

M. E. THAYER,
E. M. COUNT.

Subscribed and sworn to before me this 27th day of October, 1921.

[SEAL.]

HENRY F. QUACKENBOS,
Notary Public.

My commission expires January 13, 1924.

○

THE COMMISSIONER OF EXHIBITS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MINERALLY SIEGEN EVING