

HERBERT ELLIOTT STEVENS

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DECEMBER 19, 1925.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. ANDREW, from the Committee on Naval Affairs, submitted the following

REPORT

[To accompany H. R. 2808]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 2808) for the relief of Paymaster Herbert Elliott Stevens, United States Navy, having had the same under consideration, report the same back to the House without amendment and recommend that the bill do pass.

Lieut. Commander Herbert E. Stevens was commissioned as assistant paymaster with the rank of ensign in the Volunteer Navy April 30, 1898, and served during the Spanish War on the U. S. S. *Solace* until he was honorably discharged, January 30, 1899. He was commissioned in the Regular Navy as an assistant paymaster with the rank of ensign July 5, 1899; was promoted to the grade of paymaster with the rank of lieutenant March 3, 1903, and commissioned paymaster with the rank of lieutenant commander January 16, 1910. He was temporarily promoted to the grade of pay inspector with the rank of commander August 31, 1917, and held this grade and rank until December 31, 1921.

He served on the U. S. S. *Alexander*, *Bancroft*, *Buffalo*, *Colorado*, *Brooklyn*, and *Ohio* during the period from July, 1899, to November, 1907. He served as paymaster of the yard at the navy yard, Boston, Mass., from December, 1907, to September, 1910, and as purchasing pay officer and general storekeeper at Honolulu from October, 1910, to January, 1913. From August, 1915, to August, 1916, he was on special duty in Haiti, during the early period of the American occupation. During the late war he served at Olongapo from January, 1917, until May, 1918, and from June, 1918, to April, 1920, he was on duty in the first naval district as assistant to the aid for supply in charge of fueling facilities and as overseas supply officer. At the present time Lieutenant Commander Stevens is supply officer at the naval air station, Pensacola, Fla.

There is nothing in the official record of Lieutenant Commander Stevens which would indicate that he could not have passed the examination for promotion to the grade of pay inspector with the rank of commander had he been given an opportunity to appear for examination during the period between January 11, 1918, and July 1, 1918.

The enactment of this legislation is to authorize Paymaster Herbert Elliott Stevens, an officer in the Supply Corps in the Navy, who, by reason of his place on the list of paymasters, was due by seniority to appear before a statutory examining board to establish his fitness for advancement to the permanent grade of pay inspector, with the rank of commander, as of January 11, 1918, to appear before a statutory examining board to determine his fitness for promotion to the permanent grade of pay inspector with the rank of commander.

Paymaster Herbert Elliott Stevens was one of three officers who became due by seniority on January 11, 1918, for promotion to the permanent grade of pay inspector. Due to exigencies of war, it being impracticable to convene a naval examining board for his examination for promotion, he was not examined for promotion before the 1st of July, 1918, the date upon which the law providing for promotion by selection was passed. Although the first word in the selection law act was "hereafter," the department so construed the selection law as to cover the case of Paymaster Stevens, which, except for departmental delay, would have been settled long before its passage.

The enactment of the proposed bill into law will simply rectify the obvious error of having applied the selection law in such a way as to deprive Paymaster Stevens of a right which had unquestionably vested six months before the enactment of said law, and will have the effect of permitting Paymaster Stevens to exercise a right which in already his in equity but of which, for more than four years, he has been deprived of by administrative application of law. The enactment of this legislation will not adversely affect any officer of the Supply Corps and will not cause any expense to the Government, since he, by reason of his long service, already receives the pay provided for the rank of captain, which is one rank above that to which it is desired to promote him by this legislation.

The procedure in effect during the time the promotions were made by seniority was usually that the Paymaster General of the Navy would request the Chief of the Bureau of Navigation to issue orders for the convening of an examining board and to issue orders to the officers who were by reason of seniority entitled to appear before the board for examination. The records of the Bureau of Supplies and Accounts do not show that any request was made by the Paymaster General of the Navy for the appointment of an examining board or for orders for Lieutenant Commander Stevens to appear before the examining board between January 9 and July 1, 1918.